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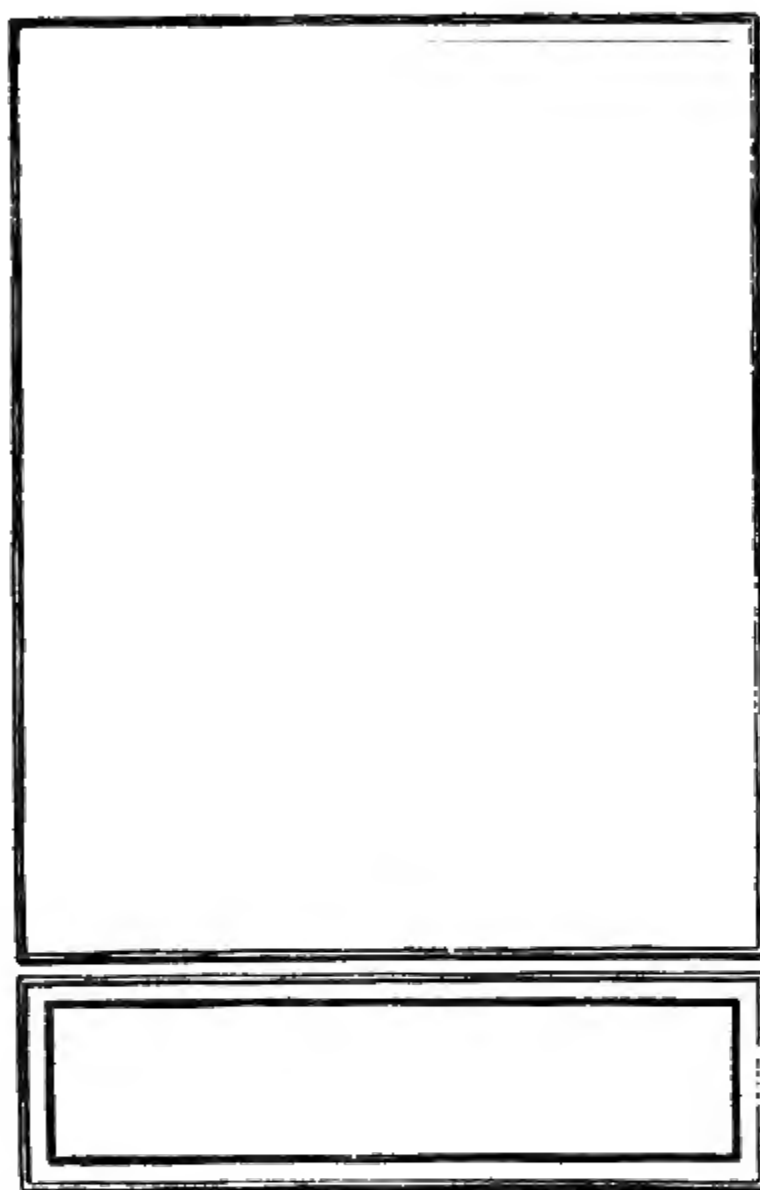
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# INDUSTRIAL LAW

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# INDUSTRIAL LAW

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## PREFACE

THIS book is the outcome of a course of Lectures delivered here to an audience consisting partly of undergraduates reading for the Commerce Degree, and partly of students aiming at the Social Study Diploma. It is primarily addressed to employers of labour, economists, social workers, and officials whose duties bring them into contact with industry. At the same time the book has been planned on a scale sufficiently ample for its use as a work of reference, and lawyers may find it useful.

The output of Industrial Legislation during the past ten years has been so large that the difficulty has been to include all relevant matter in a single volume, and the general line adopted has been to treat legal principles and the more important parts of statutes in the text, and to refer less important parts and the huge mass of statutory Rules and Orders to the appendices, inserting where necessary a summary in the text itself. An analytical table of contents of both text and appendices is given.

To make a subject so full of detail more simple and comprehensible, the author has inserted certain general chapters, including one on Non-Parliamentary Industrial Legislation which has already appeared in the *Economic Journal* for September 1915. The author is grateful for permission to republish this.

With the same end in view, matters of administration have been explained ; statistics indicating the comparative practical importance of various enactments have been given ; an Act like the Factory and Workshop Act, 1901, has been

broken up into subjects, and treated with groups of analogous Acts in a series of chapters ; the settlement of disputes under several Acts has been treated in a separate chapter ; and penalties have been dealt with in tabular form in an Appendix.

The author has allowed himself some freedom of discussion of the more experimental parts of certain recent Acts.

Pains have been taken to bring the book up to date and to ensure accuracy, but slips and omissions are very likely to have occurred, and the author will be grateful for the help of his readers in discovering them.

FRANK TILLYARD.

BIRMINGHAM UNIVERSITY,  
*December 1915.*

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Temperton <i>v.</i> Russell, 1893, 1 Q.B. 715 . . . . .	315
Weakes <i>v.</i> Stead, 30 T.L.R. 586 . . . . .	113



## ADDENDA

### *Pp. 38-39.—Interference by Statute with Hours of Work of Adult Men*

UNDER the Regulation of Railways Act, 1889, Section 4, every Railway Company must make periodical returns to the Board of Trade as to the persons in the employment of the Company whose duty involves the safety of trains or passengers, and who are employed for more than such number of hours at a time as may be from time to time fixed by the Board. The Board has power from time to time to give directions as to the form and contents of such returns and the intervals at which they must be made.

Under the Railway Regulation Act, 1893, Section 1, if it is represented to the Board of Trade by or on behalf of the servants, or any class of the servants, of a Railway Company (excluding any servant who is wholly employed in clerical work or the Company's workshops), that the hours of labour of those servants, or of that class, or in any special case of any particular servants engaged in working the traffic, are excessive, or do not provide sufficient intervals of rest between the periods of duty, or sufficient relief in respect of Sunday duty, the Board must inquire into the representation. If it appears to the Board either on such representation or otherwise that there is reasonable ground for such complaint, it must order the Company to submit to the Board, within a specified period, such a schedule of time for the duty of the servants or of any class of the servants of the Company as will in the opinion of the Board bring the actual hours of work within reasonable limits, regard being had to the circumstances of the traffic and the nature of the work. If the Company fails to comply with such order or to enforce the provisions of any approved Schedule, the Board may refer the matter to the Railway and Canal Commissioners, who can make a final order on the Company. Failure to comply with an order of the Commissioners or to enforce a schedule of hours approved by them renders the Company liable to a fine of £100 per diem.

*P. 87.—Relationship of Piece-Rates to Day-Rates in the Case of Women*

A striking confirmation of what is said on this point as regards women workers in the Midlands is contained in an Agreement dated November 16, 1915, and made between 'the Midland Employers' Federation and the Workers' Union with reference to Wages of Female Munition Workers in the Birmingham area.

The third clause of that agreement sets out a schedule of day-rates graded according to age. The fifth clause runs as follows :

(a) No general advance on piece-work prices.

(b) It is understood that the Munitions Act does not permit of any restrictions of earnings or output, but in the fixing of a piece-price it is expected that the price will yield not less than 25 per cent on day-rates to a competent worker.

Clause (b) is not very clearly drafted, and the words " a balance of " should be read in after the words " will yield " ; the aim of the clause is to secure " time and a quarter " for female piece-workers.

*P. 289 and pp. 316-318*

The term ' trade dispute ' is defined in both the National Insurance Act, 1911, Section 107, and the Trade Disputes Act, 1906, Section 5. The definition is substantially the same in both Acts, but the wording in the former Act is the more concise, and runs as follows :

The expression ' trade dispute ' means any dispute between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment, or the terms of employment, or with the conditions of labour, of any persons, whether workmen in the employment of the employer with whom the dispute arises or not.

# INDUSTRIAL LAW

## CHAPTER I

### THE SCOPE AND DEFINITIONS OF INDUSTRIAL LAW

INDUSTRIAL LAW is a non-technical term almost equivalent to what lawyers call The Law of Master and Servant ; it is not exactly equivalent, because industrial law is not concerned with quite all classes of 'servants,' and includes certain persons who can be described as 'workers,' but not as servants. For instance, the relationship between a great railway company and its general manager comes within the law of master and servant, but not within the scope of industrial law. On the other hand, the cottager in a remote district who buys wool from a shop-keeper in the market-town for the purpose of knitting it into stockings, and whose only available market for the finished article is the shop from which the wool was bought, is not technically a servant of the shop-keeper ; their relationship is that of buyer and seller, but it is nevertheless within the purview of industrial law.

A few years ago the scope of industrial law could have been readily indicated by a reference to 'the working-classes' or to 'workmen.' The general manager would admit that he was a servant of the railway company, but he would not like to be called a workman. In other words, until quite recently no legislation was considered as industrial unless it dealt with workmen in its ordinary sense of manual workmen. At the end of last century the test of manual labour was being abandoned ; for example, certain

## 2 SCOPE OF INDUSTRIAL LAW

sections of the Truck Act, 1896, were applied to shop-assistants, and the Workmen's Compensation Act, 1897, dealt with persons employed in specified undertakings, "whether by way of manual labour or not," though as a matter of fact very few persons employed otherwise than in manual labour would be likely to come within its provisions. Within the last ten years the Workmen's Compensation Act, 1906, and Part I. of the National Insurance Act, 1911, have abandoned the test of manual labour altogether *below certain income limits*, though retaining it above the limit. In other words, the scope of industrial legislation now covers both manual labour and service of any kind remunerated on a comparatively low scale. There is a second point of some social and legal importance, and that is the position of persons who, though theoretically 'independent contractors' or purchasers of material, are substantially in the position of servants and wage-earners, and who have been shown by experience to need the same sort of protection as wage-earners. It has been thought expedient to bring these persons within the protection of the Truck Acts and the Trade Boards Act.

Questions of scope can be conveniently grouped under three headings :

(A) Classifications based on the legal definition of a 'contract of service.'

(B) Classifications dependent on general terms such as 'manual labour' or 'shop-assistants,' or dependent on the amount of wages or salary paid.

(C) Classifications dependent on references to particular trades.

One or two examples will make this plainer. A person comes within the scope of the Workmen's Compensation Act if (A) he works under a contract of service and is not an outworker, and (B) is either a manual worker or his remuneration is less than £250 a year. It is immaterial at what trade he is working.

A person comes within the unemployment sections of the National Insurance Act (A) if he works under a contract of service, (B) if he is employed wholly or mainly by way of

manual labour, and (C) if he is employed in one of the seven trades enumerated in the 6th Schedule to the Act.

We can now examine these headings in more detail.

(A) CLASSIFICATIONS BASED ON CONTRACTS OF SERVICE,  
AND RELATIONSHIPS EQUIVALENT THERETO

A servant is a person who for remuneration agrees to work according to the orders of another. There are various relationships akin to that of master and servant, and the dividing line is sometimes hard to find. The "independent contractor" who himself works is a good example. For example, a firm of decorators undertake to paint my house, the firm supervising the work in the ordinary way; the firm and the men engaged in painting the house are not in my service. A man asks me for half a day's work, and I set him painting an outhouse; he is my servant. Midway between these cases comes that of a man who agrees to get my house painted for a fixed price, and who is prepared to work himself, though he is free to bring in other labour if he please. He may or may not be my servant. The chief tests, apart from statute, seem to be: liability to do the work personally, submission to the orders of the person giving out the work, and exclusive service for such person.

Three important Acts, viz. the Employers and Workmen Act, 1875, the Employers' Liability Act, 1880, and the Truck Acts, 1831-1896, have a common definition of workman, which runs as follows: "The expression 'workman' does not include a domestic or menial servant, but save as aforesaid means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of 21 years or above that age, *has entered into or works under a contract with an employer, whether the contract be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour.*"

This excludes independent contractors, unless they are bound to give their personal labour.

Under the Workmen's Compensation Act, 1906, 'work-

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man,' with certain exceptions, means '*any person who has entered into or works under a contract of service or apprenticeship with an employer*, whether by way of manual labour, clerical work, or otherwise, and whether the contract be expressed or implied, is oral or in writing.' Outworkers are expressly excluded.

Part I. of the National Insurance Act, 1911, relates to the following general classes: (a) *employment under any contract of service* or apprenticeship, written or oral, whether expressed or implied, and whether the employed person is paid by the employer or some other person, *and whether under one or more employers*, and whether paid by time or by the piece, or partly by time and partly by the piece, or otherwise, or except in the case of a contract of apprenticeship, without any money payment; (b) *employment as an outworker*.

There is a very elaborate definition of an outworker which is probably restricted by the implication contained in the term 'employment,' that the person to whom work is given out must necessarily take some personal part in doing the work.

Part II. of the National Insurance Act defines 'workman' as any person of the age of 16 or upwards employed wholly or mainly by way of manual labour, *who has entered into or works under a contract of service* with an employer, whether the contract is expressed or implied, is oral or in writing, but does not include an indentured apprentice.

In the Factory and Workshop Act, 1901, the classification is based on differences between factories and workshops, and textile and non-textile factories, etc., and the word requiring definition is not so much the word 'employed' as the phrase 'employed in.' Sections 152 and 158, which deal with this point, are as follows: "A woman, young person, or child who *works in a factory or workshop, whether for wages or not, either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery*, or in any kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or other-

wise the subject of the manufacturing process or handicraft therein, *shall*, save as otherwise provided by this Act, *be deemed to be employed therein within the meaning of this Act.*"

Then follows a provision as to apprentices (who are employed under a condition that they shall *be taught*), to the effect that "an apprentice shall be deemed to work for hire," and, lastly, there is the exclusion of "any young person being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop."

On much the same lines are the phrases used in the Trade Boards Act, 1909, such as 'workers in the trade,' 'all persons employed in the trade,' 'all persons employing labour in the trade,' without any general definition of the terms 'worker,' or 'employ,' or 'labour,' although Section 9 contains a special definition of employer, as given below.

The Acts which, in addition to applying to persons working under contracts of service, also apply to persons working under certain contracts which are technically contracts of sale and purchase, or contracts for work and material, or similar contracts not in law contracts of service, are the Truck Acts and the Trade Boards Act. Section 10 of the Truck Amendment Act, 1887, provides that "*where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act (Truck Act, 1831) and this Act shall apply as if he were a workman, and the shop-keeper, dealer, trader, or other person buying the articles in the way of trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer.*" This section applies only to articles under the value of £5, knitted or otherwise manufactured of wool, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk, or of any combination thereof, or made or prepared of bone, thread, silk, or cotton lace, or of lace made of any mixed materials.



## 6 THE DEFINITIONS OF INDUSTRIAL LAW

Section 9 of the Trade Boards Act is on the same lines, though it is not in its terms confined to buying or to home work, and runs as follows: "*Any shop-keeper, dealer, or trader, who by way of trade makes any arrangement, express or implied, with any worker, in pursuance of which the worker performs any work for which a minimum rate of wages has been fixed under this Act shall be deemed for the purposes of this Act to be the employer of the worker, and the net remuneration obtainable by the worker in respect of the work after allowing for his necessary expenditure in connection with the work shall be deemed to be wages.*"

### (B) CLASSIFICATIONS BY KIND OF LABOUR OR INCOME LIMIT

The Employers and Workmen Act, 1875, the Employers' Liability Act, 1880, and the Truck Acts, 1831-1896, are restricted to persons engaged '*in manual labour*,' with but one exception. That is contained in Section 1 of the Truck Act, 1896, which deals with fines imposed on workmen and deducted from their wages. This section applies to the case of a shop-assistant in like manner as it applies to the case of a workman. The term shop-assistant is not itself defined.

The Workmen's Compensation Act, 1906, after including persons working under a contract of service, whether *by way of manual labour, clerical work, or otherwise*, proceeds to make an exception of '*any person employed otherwise than by way of manual labour whose remuneration exceeds £250 a year.*' The figure '*£250 a year*' seems to be a rough guess at the dividing line between those who would be in a position to take out accident policies for themselves and those who would not.

The National Insurance Act, 1911, Part I., after including *employment under any contract of service*, proceeds to make various exceptions (which are fully set out at p. 270), and in particular to except '*employment otherwise than by way of manual labour, and at a rate of remuneration exceeding in value £160 a year.*' This was obviously a selection of the

income limit, which divided income-tax payers from those totally exempt from income-tax.

The National Insurance Act, Part II., is restricted to persons *employed wholly or mainly by way of manual labour*.

The Factory and Workshop Act, 1901, does not mention manual labour in express terms, but is restricted to manual workers by the requirement that the worker shall work 'in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop . . . or in cleaning or oiling any part of the machinery, or in any kind of work whatsoever incidental to . . . the manufacturing process or handicraft. . . .'

The phrases used in the Trade Boards Act, 1909, such as 'all persons employed in the trade,' have given rise to a good deal of discussion, but as the Act contains no further definition of these phrases, each trade board has had to fashion a working definition in order to make as clear as possible the scope of its determinations. The latest determination of the Tailoring Trade Board is in these terms: 'The above rates shall apply to all . . . workers who are employed during the whole or any part of their time in any branch of the . . . Trade, . . . but they shall not apply to any persons engaged merely as clerks, messengers, persons engaged in work ordinarily carried on in the stockroom or warehouse, saleswomen, travellers, packers, parcellers, persons engaged in cleaning premises, or to any other persons whose work stands in a relationship to the trade similar to that of the foregoing excluded classes.'

### (C) CLASSIFICATION BY TRADES

The Trade Boards Act, 1909, is restricted to scheduled trades in which the prevailing rate of wages is exceptionally low. The first trades scheduled were selected by Parliament, and are now selected by the Board of Trade, subject to confirmation by Parliament. For a full list, reference should be made to Chapter VII.

The National Insurance Act, 1911, Part II. (unemployment insurance), is also restricted to certain scheduled

## 8 THE DEFINITIONS OF INDUSTRIAL LAW

trades. The trades selected by Parliament were some of those in which seasonal or cyclical periods of depression and unemployment were most pronounced. For a full list, reference should be made to Chapter XIX.

The reader will meet with several examples of legislation for single trades.

## CHAPTER II

### THE DEVELOPMENT OF INDUSTRIAL LAW

THE bulk of modern industrial law is statutory, and dates from about the year 1867. It is somewhat difficult for a person whose recollection does not go back beyond that year to realise how extremely insignificant industrial law was in the early Victorian period. The first edition of Smith's *Law of Master and Servant* appeared in 1852, and is mostly devoted to an exposition of the principles of the Common Law. The fourth edition of Stephen's *Commentaries*, published in 1858, contains a short chapter in the second volume on Master and Servant, the contents of which are substantially the same as the chapter penned by Blackstone himself nearly a century earlier. It contains no reference to any intervening legislation. It is true that in the third volume there is a new chapter on 'the laws relating to the sanitary condition of the people,' and in a footnote it is explained that "in addition to the statutes of which some account is above given, there are the following more or less immediately connected with the subject of the sanitary condition of the people," and there then follows a list of various Acts or classes of Acts, including a group of Acts concerned with labour in factories, and an Act for the inspection of coal mines. The year 1867 has been selected as the beginning of the period of modern industrial law, because in that year three events happened, all of which had a direct and important bearing on the future of industrial legislation. First, artisans in boroughs were given the franchise, and in future had some voice in legislating for their own class ;

again by Lord Elcho's Act imprisonment for breach of the contract of service by an individual workman was with one exception abolished, and the inferior status of a workman as a contracting party was practically put an end to ; and, lastly, a Royal Commission was appointed, which resulted in the passing of the Trade Union Act, 1871.

As a great part of this book will be concerned with legislation since 1867, it may be helpful at this point to attempt a short sketch of industrial law prior to that year.

**Common Law Rules as to Master and Servant.** — The Common Law contribution to industrial law may be grouped under some simple headings. First, it had placed the relationship of master and servant on the ordinary footing of a common law agreement or contract, and contracts of hiring or contracts of service were merely special instances of the ordinary law of contract. General legislation, like Section 4 of the Statute of Frauds (which governed contracts not to be performed within a year), applied to contracts of service in exactly the same way as to other contracts. There was, however, an important exception, as remedies for breach of contracts of service were not on the same footing as for breaches of other contracts, masters and servants not having been left to their ordinary remedies in the Civil Courts. An Act of 1747 had given the Justices special powers of dealing with disputes between master and servant and master and apprentice, and these powers, after an extension in 1766, were further extended in 1823. There was indeed no objection to using the machinery of the Justices for the settlement of small disputes, and as there were very few courts specially available for these disputes, the selection of the Justices as a handy, cheap, and speedy tribunal is to be commended. The blot on this legislation was that it discriminated between master and servant. If the workman had a grievance he could summon his master, and the Justices could award him his wages or release him from his contract of service. On the other hand, if the master's grievance was that the servant had not commenced to work, or having entered into service had absented himself from work before

the completion of his term of service, or had been guilty of any other misconduct or misdemeanour respecting his work, then on the master making a complaint on oath, a Justice of the Peace could issue his warrant for the apprehension of the offending servant, and on proof of the facts supporting the complaint could commit the servant to the House of Correction for a period of hard labour not exceeding three months. In other words, the servant had merely a civil remedy against the master, while the master had a criminal remedy against his servant. It will be noticed that these powers were entrusted to a single justice who could sit in private. Until the passing in 1848 of Jervis' Act, workmen were always brought up on warrant. In 1867 Lord Elcho's Act was passed, abolishing imprisonment for breach of contract, except in case of what was called aggravated breach of contract, or disobedience to an express judicial order to perform the contract. Complete equality between master and man was brought about by the Employers and Workmen Act, 1875, which is dealt with on p. 323.

Secondly, the Common Law was prepared to apply the principles of negligence to injuries suffered by the servant through negligence of the master, but on the footing that the master was liable only for his personal negligence, and not for the negligence of another servant. This was the famous defence of 'common employment,' and it was of great importance till the passing of the Employers' Liability Act in 1880 (see p. 98). In the case of accidents arising through negligence on the employer's part, it is still open to the workman to assert any rights he may have under the Common Law. A statement in detail of the Common Law doctrine has therefore to be given in the chapter on Employers' Liability for Accidents.

Thirdly, the Common Law had adopted the general principle that restraints of trade were against public policy. This was applied in two directions. As regards an individual who entered into an agreement of service which fettered his liberty to work or trade after the expiration of his agreement, strict rules were laid down to harmonise the master's interest and the interest of the public. These

rules exist to-day, and have never been the subject of legislation (see p. 43).

As regards groups of workmen or masters who were prepared to fetter their liberty of working or trading in the interests of their class as a whole, this principle was used in connexion with the law of conspiracy to crush effective combination amongst workmen to improve their position by anything in the nature of a strike. Up to 1824 the Common Law position was supplemented by very severe legislation against combinations. Through the skilful efforts of Place and Hume the combination laws were repealed in that year, but when Parliament realised what it had done, it once more strengthened the Common Law by the Combination Act of the year 1825, though the bare right of workmen to combine was admitted. This Act of 1825 was in force until 1871. The repealing Act of 1824 substituted for the earlier combination laws other provisions, "for the purpose of protecting the free employment of capital and labour, and for punishing combinations interfering with such freedom by means of violence, threats, or intimidation." The Act of 1825 recited the Act of 1824, pronounced it ineffectual, and proceeded to state that "such combinations are injurious to trade and commerce, dangerous to the tranquility of the country, and especially prejudicial to the interests of all who are concerned in them," and that "it is expedient to make further provision as well for the security and personal freedom of individual workmen in the disposal of their skill and labour, as for the security of the property and persons of masters and employers, and for that purpose to repeal the said Act, etc."

The chief of these further provisions was the creation of two new offences, viz. "molestation" and "obstruction." The section defining these offences may be summarised as follows. If any person by violence to the person or property, or by threats or intimidation or by molesting or in any way obstructing another, (a) forced or endeavoured to force any master or workman to depart from his work, or (b) prevented any master or workman from accepting work, or (c) forced any person to belong to any club or association or to contri-

bute to any common fund, or to pay any fine for not complying with resolutions or regulations made to obtain an advance or to reduce the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, trade, or business, or (d) forced any manufacturer to alter the conduct of his business, or to limit the number of his apprentices or the number or description of his workmen, he was to be liable to imprisonment, with or without hard labour, for a period not exceeding three months. By other sections workmen and other persons were allowed to hold meetings to discuss wages and hours of labour, and the mere entering into an agreement among themselves on these points was not to render them liable to any penalty. Unfortunately the moment workmen took any steps to give effect to their resolutions they were criminally liable either under the section creating these new offences or under the Common Law doctrine of conspiracy. In 1857, in consequence of the very wide interpretation given to these new offences, the Molestation Act, 1857, was passed, enacting that no workman or other person, whether actually in employment or not, should by reason merely of his entering into an agreement with any other workman for the purpose of fixing the rate of wages at which they should work, or by reason merely of his endeavouring peaceably and in a reasonable manner and without threat or intimidation, direct or indirect, to persuade others to cease or abstain from work in order to obtain the rate of wages or the altered hours of wages so fixed or agreed upon, should be deemed to be guilty of 'molestation' or 'obstruction,' within the meaning of the Act of 1825, and should not therefore be subject or liable to any prosecution or indictment for conspiracy; but nothing in the Amending Act was to be held to authorise any workman to break or depart from any contract, or to authorise any attempt to induce any workman to break or depart from any contract.

There was nothing in either of the Acts of 1825 or 1857 to negative the Common Law view of Trade Unions as illegal associations. "They had no legal means of preserving or recovering their own property, indeed had no legal right to



obtain their own money from their own bankers.”<sup>1</sup> The history of Trade Unions from 1871 onwards will be found in Chapter XX.

**Industrial Legislation before 1867.**—So far we have been concerned with labour under the Common Law, and in connexion therewith with certain statutes that imposed inferiorities and disabilities on workmen. We must now turn to such legislation as there was for protecting workmen against unscrupulous employers. This protective legislation was confined to three matters: (a) The protection of labourers, both male and female, in manufacturing industries from payment in goods instead of cash; (b) the compulsory introduction into certain trades of tickets for piece-work so that workers should know what their earnings were; and (c) the protection in certain industries (some factories and all mines) of women and children.

Payment in goods is now known as ‘truck,’ and Truck Acts are to be found in the Statute Book as early as 1464, but the actual word truck does not appear till 1725.<sup>2</sup> The Act of 1464 applied to woollen clothworkers, and after reciting that the labourers have been driven to take a great part of their wages in pins, girdles, and other unprofitable wares, it ordained “that every man and woman being clothworkers, from the feast of S. Peter shall pay to the carders, spinsters, and all such other labourers in any part of the said trade, lawful money for all their lawful wages and payment of the same.” Other industries obtained similar Acts, and the Truck Act, 1701, extended the principle to woollen, linen, fustian, cotton, and iron manufacture, and enacted that all “payments and satisfactions . . . shall be by lawful coin of the realm, and not by any cloth, victuals, or commodities thereof.” As new industries arose fresh legislation became necessary, as there was no general enactment against the system of truck. Thus in 1817 an Act was passed on behalf of the labourers “employed in the manufacture of articles made of steel, or of steel and iron combined, and of plated articles, or of other articles of cutlery.”

<sup>1</sup> *A Century of Law Reform*, p. 250.

<sup>2</sup> Report of the Truck Committee, 1908, Cd. 4442.

In 1831 all these Acts were repealed, and in their place the Truck Act, 1831, was passed. This Act consolidated the law, but effected this by an enumeration of specific trades. Before very long the enumeration was found to be incomplete, but no amendment had been made at the close of the period we are considering. The Truck Act, 1831, is still law, and a statement of the extensions and amendments of it will be found in Chapter VI. 1721

The second group of Acts is small and of no great importance, except as foreshadowing the "particulars clause" of the Factory Act, which to-day applies to a very large group of industries. Reference has already been made to the Act of 1824, which repealed the Combination Laws. A companion statute was an "Act to consolidate and amend the laws relative to the arbitration of disputes between masters and workmen." One of the objects of this latter Act was to put an end to disputes about piece-work. Where piece-work is at all complicated, the educated master can easily take advantage of an uneducated workman in the process of computing the money earned. In the cotton industry this was soon discovered, and the settlement of the lists of piece-work prices necessitated the employment by the Trade Unions of skilled professional advisers.<sup>1</sup>

A safeguard against fraud, which is at once simple and in ordinary cases effective, is for the master to supply particulars in writing of the work to be done and the price to be paid when the work is given out. These particulars are usually written on a ticket, which is fastened to the work. The Arbitration Act of 1824 approved of this system, but did not make it compulsory. It enacted that "with every piece of work given out by the manufacturer to a workman to be done, there shall (if both parties are agreed) be delivered a note or ticket in such form as the said parties shall mutually agree upon."

Nothing further seems to have been done until 1845, when two Acts were passed, one dealing with the hosiery trade and the other with silk weavers.

The Hosiery Act, 1845, dealt with hosiery, whether

<sup>1</sup> Webb, *Industrial Democracy*, p. 196.

woollen, worsted, linen, cotton, or silk. It enacted that when any manufacturer of hosiery gave out to a workman materials to be wrought, such manufacturer should at the same time deliver to such workman a printed or written ticket, signed by such manufacturer, containing the particulars of the agreement between them, as in the schedule which was annexed to the Act. The manufacturer was to keep a duplicate of the ticket till the work was completed or paid for.

The second Act, the Silk Weavers Act, 1845, applied to the weavers of silk goods, and was on similar lines, except that contracting out was allowed if "both parties shall by writing under their respective hands agree to dispense therewith."

The third group of Statutes comprise the earlier Factory Acts. In one sense these have all been repealed, in another sense their substance has been re-enacted in the Consolidating Acts, which date from 1878. The history of factory legislation deserves separate treatment, which is given in Chapter XVII., and in this place a very slight sketch must suffice.

The Health and Morals of Apprentices Act, 1802, was a well-meant but ineffective piece of legislation, applying to cotton and woollen mills and factories, in which twenty or more persons or three or more apprentices were employed. Then from 1819 to 1830 there were four Factory Acts passed applying to cotton mills only. These were consolidated in 1831, but the Consolidating Act was itself repealed in 1833 by the first general Factory Act which was entitled, "An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom." It legislated for children (9 years to 13 years) and young persons (13 years to 18 years) employed in cotton, woollen, worsted, hemp, flax, tow, linen, and silk mills driven by steam or mechanical power. Its provision of certificates from surgeons and a Government inspectorate (limited to four persons) placed factory legislation on a sound administrative basis.

In 1842 Lord Ashley's Act became law, and for the first time contained provisions relating to adult women. It prohibited underground work in mines for all females and

for boys under 10 years of age. Further substantial progress was made in 1844, as the Factory Act of that year included women with young persons, introduced the half-time system for children between the ages of 8 and 13, and insisted on the safeguarding of certain machinery, and various provisions for securing the health of children and young persons. In 1845 the benefit of similar provisions was extended to print works in which patterns or designs were printed on material already woven. In 1847 the Ten Hours Act was passed, reducing the hours of labour in factories for women and young persons under eighteen years of age to 10 hours per day and 58 hours per week. In 1850 a further Act introduced the normal working day between 6 in the morning and 6 in the evening, or between 7 A.M. and 7 P.M. There was no departure involving fresh principles until 1864.

**General Conclusions.**—It would be hard to detect any general principles underlying industrial law as it existed in 1860. The law as to disputes between master and workmen was based on an inferior status of the workman. The law as to combinations put master and workmen nominally on an equal basis, but in practice it allowed no effective combination to workmen.

While the Courts of Law prided themselves on the protection they gave to the workman's right 'of the exertion of his own personal strength and skill in the full enjoyment of his own free will, altogether unshackled by the control or dictates of his fellow-workmen,' or regarded him as a person 'who voluntarily undertook to run all the ordinary risks of his service, including the risk of negligence upon the part of a fellow-servant,' the Legislature assumed that he could not even secure his wages in cash without special legislation.

How far is it possible to say that legislation since 1867 has been governed by a set of consistent principles?

In the first place, the inferior status of the workman has disappeared. This is absolutely true as regards the administration of the law, but it is also largely true of other means of settling disputes. On Boards of Conciliation, on Trade Boards, on Courts of Referees, and on other bodies

dealing with trade interests, working men and employers meet on an equality.

2) In the second place, there is a recognition of the economic weakness of some sections of the working classes, and an admission based on this, of the right of the State to step in and remedy the evils resulting from this inequality of economic power. The State may do this by facilitating the combination of workers or by actual protective legislation, which in suitable cases is now extended to men, as well as to women and children.

4) [ Lastly, there seems to have been an important change in the estimate of what may fairly be included under 'cost of production.' Thus a share of the burden of accidents occurring in the course of employment, of sickness suffered by work-people during the years of employment, and of distress arising in certain industries during periods of unemployment has in recent years been thrown on employers, on the general ground that the wear and tear of the human machine or tool may fairly be regarded as an element of the cost of production. The fixing of a minimum wage is based on a similar conception. An industry which does not pay its work-people a living wage is rightly called a parasitic industry, and is not bearing the whole of the cost of production.

[ For a most interesting examination of the principles of legislation during the last hundred years or so, reference may be made to pp. 161-172 of Professor W. J. Ashley's *Economic Organisation of England*.

## CHAPTER III

### NON-PARLIAMENTARY INDUSTRIAL LEGISLATION <sup>1</sup>

LEGISLATION is so usually associated with Parliament, and with Parliament alone, that it may not be generally realised that, taking into consideration quantity only, and disregarding importance, it is probably true to say that the larger part of existing enactments regarding labour has not been directly passed by Parliament, but is the creation of inferior bodies to whom law-making powers have been delegated.

There is good reason for this course. Industrial legislation in many instances can only hope to be successful on condition that complicated details are patiently investigated and interested persons listened to. Parliament, it is true, has some machinery for work of this kind, but on the whole is too cumbrous a body, too busy with larger issues, and too intermittent in its activities to be able to transact much business on these lines. It has of late years become more and more content to settle principles and to leave detailed decisions and the working out of extensions to other bodies, reserving to itself a varying amount of ultimate control.

The amount and directness of this control is probably the best criterion for classification. This legislation by inferior law-making bodies takes several forms :

**(a) Provisional Orders.**—These are orders made by a Government department and actually confirmed by Parliament, and can be used for extending or curtailing existing Acts of Parliament. They have no legal operation until so confirmed by Parliament.

<sup>1</sup> Reprinted from the *Economic Journal*, Sept. 1915.

(b) **Statutory Orders.**—These are Orders made by a Government department,<sup>1</sup> and have to be laid before Parliament for varying periods. They take effect without confirmation, and Parliament must actively interfere within a limited period if it wishes to disallow them. These Orders have in some cases an important scope by way of extension, curtailment, or modification of existing legislation, while in other cases they deal with points of detail omitted in the actual Act of Parliament. Sometimes a ‘public inquiry’ is an indispensable preliminary. The nomenclature, viz. ‘Regulations’ and ‘Special Orders,’ adopted by different Acts is unfortunately very confusing, as Regulations under one Act may mean very much the same as Special Orders under another, and *vice versa*.

(c) **Determinations.**—This term covers the legislation of Trade Boards and Wages Boards dealing with the wages to be paid in specified trades and ancillary matters arising out of minimum wage legislation.

(d) **Bye-laws.**—Bye-laws are made by local authorities in exercise of permissive powers bestowed on them by Act of Parliament.

Parliament has not reserved to itself any direct powers over Determinations and Bye-laws, but in some cases a Government department has powers of delay or rejection. Further particulars, with actual examples of these modes of legislation, are as follows:—

#### (A) LEGISLATION BY PROVISIONAL ORDER

A Provisional Order is an order made by a Government department, and has the force of law provided that it is expressly sanctioned by Parliament. These Orders are the machinery by which Section 8 of the Workmen’s Compensation Act, 1906, which relates to the application of the Act to certain industrial diseases, can be applied to other diseases and other processes, and to injuries due to the nature of any employment specified in the Order not being injuries by

<sup>1</sup> A closing order can be made under the Shops Act, 1912, by a local authority, subject to confirmation by a Government department.



accident. The same machinery is designated in the Trade Boards Act, 1909, for the extension or curtailment of the scope of the Act. In the Workmen's Compensation Act a Secretary of State (in practice the Home Secretary) is given a general power to make these Provisional Orders subject to the conditions (a) that no such Order is to have effect unless and until it is confirmed by Parliament, and (b) that if, while the confirming Bill is pending in either House of Parliament, a petition is presented against the Order, the Bill may be referred to a Select Committee, and the petitioner shall be allowed to appear and oppose as in the case of Private Bills. These Select Committees act as a judicial tribunal, before whom witnesses are examined and Counsel appear. The Home Secretary has made Provisional Orders under this power scheduling about twenty fresh diseases.

Under the Trade Boards Act the Board of Trade may make a Provisional Order applying the Act to any specified trade to which it does not at the time apply if it is satisfied that the rate of wages prevailing in any branch of the trade is exceptionally low as compared with that in other employments, and that the other circumstances of the trade are such as to render the application of the Act to the trade expedient ; also, if at any time the Board of Trade considers that the conditions of employment in any trade to which the Act applies have been so altered as to render the application of the Act to the trade unnecessary, it may make a Provisional Order that the Act shall cease to apply to that trade. The conditions mentioned above as to confirmation by Parliament, and as to reference to a Select Committee in the event of the presentation of a petition against the Order, apply with this exception, that the Order may be referred either to a Select Committee or to a Joint Committee of both Houses. The Board of Trade has already made one Provisional Order under the Trade Boards Act, and scheduled five additional trades, including part of the trade of carrying on a laundry. Certain employers in the laundry trade petitioned against the Order, and at the hearing before a Select Committee of the House of Commons they made good their objection that the definition of the section proposed to



be included was not workable, and the Select Committee thereupon omitted laundries from the Order. The other four trades were not petitioned against, and after evidence had been submitted on behalf of the Board of Trade the Select Committee passed so much of the Order as applied to them, and in due course the Order as amended was confirmed.

(B) LEGISLATION BY STATUTORY ORDERS  
(including Regulations and Special Orders)

**I. Statutory Orders made without Public Inquiry.**—A very early example of the use of Statutory Orders in industrial legislation occurred in 1867, when the Factory Extension Act and the Workshop Regulation Act were passed. The division of work between Parliament and a Secretary of State which then ensued has varied from time to time,<sup>1</sup> and is now to be found, so far as regards factory legislation, in the Factory Act, 1901, Section 126. Much the same arrangements have been adopted in other pieces of industrial legislation.

As regards factory legislation, the main provisions as to Orders, known as Special Orders, are as follows :

(a) *The Order is made by a Secretary of State* (in practice the Home Secretary), and is published in such manner as he thinks best adapted for the information of all persons concerned, and comes into operation at the date of its publication or at any later date mentioned in the Order. It is usual to allow a few weeks between the date of publication and the date at which the Order is to take effect.

(b) The Order is to be laid as soon as may be before both Houses of Parliament, and if either House of Parliament within the next *forty* days after the Order has been so laid before that House resolves that the Order ought to be annulled, it has after the date of the resolution no effect, but without prejudice to the validity of anything done in the meantime under the Order.

(c) The Order is to apply as if it formed part of the enactment which provides for the making of the Order.

<sup>1</sup> See Appendix A to Hutchins and Harrison's *History of Factory Legislation*.

The power to make Orders is relevant to 45 sections of the Factory Act, and has been exercised in regard to 33 of those sections (Appendix VI., etc.). They are of varying importance. The Order extending the Particulars Clause (Section 116) is a good example of the wide effect of some of these Orders.

Under the Truck Act, 1896, Section 9, a Secretary of State may by Order grant exemptions from the provisions of the Act. Provision (b) given above applies to these Orders. This power has only once been exercised, namely, in respect of persons engaged in the weaving of cotton in certain counties.

The Notice of Accidents Act, 1906, contains a power of extension by Order of a Secretary of State, and this has been used to add three fresh classes of accidents.

Both parts of the National Insurance Act, 1911, rely very largely on power to make Statutory Orders.

For instance, in Part I. of the Act, Section 66 provides that the Insurance Commissioners may make "Regulations." These Regulations follow closely, but not exactly, the provisions as to "Special Orders" laid down in the Factory Act. Unfortunately in the Factory Act the term "Regulations" is used for a Statutory Order made after a preliminary public inquiry, which falls into our second class.

Section 66 provides that the Insurance Commissioners may make Regulations for any of the purposes for which Regulations may be made under Part I. of the Act or the Schedules therein referred to, or for prescribing anything which under Part I. or the Schedules is to be prescribed, and generally for carrying Part I. into effect, and any Regulations so made are to be laid before both Houses of Parliament as soon as may be after they are made, and shall have effect as if enacted in the Act, provided that, if an address is presented to His Majesty by either House of Parliament within the next subsequent *twenty-one* days after any such Regulation is laid before it, praying that the Regulation may be annulled, His Majesty in Council *may* annul the Regulation, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

This language is substantially different from that employed in the Factory Act, and apparently the intention is to give a Liberal Government the power to disregard an address of the House of Lords.

Over one hundred matters are specifically left to be dealt with by Regulations. The National Insurance Act, 1913, adds considerably to the list. As examples of the use of these very wide powers may be mentioned the new provisions as to contributors in arrears which have been substituted for the 5th Schedule to the Act of 1911, and the adoption of a unit of work for outworkers in the place of a weekly wage as the basis of contributions.

Part II. of the National Insurance Act, 1911, adopts a similar procedure, but follows the Factory Act. Under Section 91 the Board of Trade has power to make 'Regulations' for the administration of the unemployment part of the Act. These Regulations must be presented to Parliament, and are liable to be disannulled in the same way as Special Orders under the Factory Act. Some twenty pages of Regulations have been made by the Board of Trade under the Act of 1911, and about two pages under the Amending Act of 1914.

**II. Statutory Orders made after Public Inquiry.**—Under the Factory Act, 1901, these Statutory Orders are called 'Regulations,' and they are confined to legislation in regard to 'dangerous trades.' The first step in the making of these Regulations is for a Secretary of State (in practice the Home Secretary) to certify that the manufacture, machinery, plant, process, or description of manual labour proposed to be regulated is dangerous. He then proceeds to prepare draft Regulations and to publish notice of his proposal to make Regulations. He must allow at least twenty-one days, within which persons affected may get copies of the draft Regulations and may lodge objections. If any substantial objections are lodged the Secretary of State must either amend the draft Regulations or direct an inquiry to be held by some competent person, who shall report to him thereon. In other words, he must either obtain the consent of the objector to a new form of Regulation or he must direct an

inquiry to be held. This inquiry is to be held in public, and may be attended by the chief factory inspector, objectors, and other affected persons (Sections 80 and 81). After the Secretary of State receives the report of the inquiry he can then make Regulations which take effect as Statutory Orders, that is, they must be laid before both Houses of Parliament, and either House can, within forty days, by resolution disannul all or any of the Regulations (Section 84). These Regulations have considerable scope, as they may, among other things, prohibit the employment of, or modify or limit the period of employment of, all persons or any class of persons in the regulated trade, or may prohibit, limit, or control the use of any material or process (Section 83). Thus in Regulations made in 1907 for the manufacture of paints and colours, the 3rd Regulation prohibits any woman, young person, or child from being employed in manipulating lead colour. For the most part these Regulations are concerned with the means whereby the 'danger' may be either eliminated altogether or substantially reduced, e.g. by air space, ventilation, exhaust drafts, use of overalls, lavatories, etc., etc.

*leaving*

The only other Act we need notice which adopts the process of inquiry as part of the machinery of making a Statutory Order is the National Insurance Act, 1911. The Orders so made are called in the Act 'Special Orders.' Section 113 of the Insurance Act incorporates for this purpose Sections 80 and 81 of the Factory Act (which regulate the holding of inquiries), with certain adaptations, which are shown in the 9th Schedule to the Insurance Act. The only variation in substance is the requirement that the person to hold the inquiry shall be 'impartial' as well as 'competent.'

These Special Orders do not, however, come into force as soon as made or from an appointed date. Before a Special Order under the Insurance Act comes into force it must be laid before each House of Parliament for a period of not less than *thirty* days during which the House is sitting, and if either of these Houses before the expiration of those thirty days presents an address to His Majesty against the Order, no further proceedings can be taken thereon.

As examples of what can be done by Special Order under Part I. of the Insurance Act, there may be mentioned a power given to the Insurance Commissioners to exclude certain persons from the category of outworkers, and to vary contributions in seasonal trades.

Under Part II. of the Insurance Act, the Board of Trade may after seven years, and with the sanction of the Treasury by Special Order, revise the rates of contribution.

The Board of Trade may also on certain conditions extend the provisions of Part II. to trades other than those scheduled.

In this case no such order is to be made if the person holding the inquiry in relation to the order reports that the Order should not be made. Thus an 'impartial and competent person' may have an absolute veto over the wishes of the Board of Trade. Then, again, the Board of Trade may by Special Order exclude certain employments. But in this case the Special Order takes effect, so far as Parliamentary interference is concerned, as if it were a Regulation and not a Special Order. The Board of Trade has made two Special Orders,<sup>1</sup> extending Part II. of the Insurance Act. These will bring in (a) workmen in the trade of saw-milling, whether carried on in connexion with any other insured trade or not, and (b) workmen in the trade of repairing works of construction other than roads and the permanent way of railways. These are of course both comparatively unimportant extensions.

### (C) LEGISLATION BY WAGES TRIBUNALS

When the Trade Boards Act, 1909, was passing through Parliament, it was not suggested that Parliament should take any direct part in fixing wages. When the Coal Mines (Minimum Wage) Act, 1912, was under discussion, two attempts were made to saddle Parliament with this responsibility. One was a proposal to insert an elaborate schedule of wages, and the other to insert 5s. a day and 2s. a day as the wages for men and boys on day work. Parlia-

<sup>1</sup> These orders seem to have been in a state of suspended animation since the outbreak of the war.

ment rejected both proposals. It may therefore be inferred that the determination of wages by law is regarded as likely to be more efficiently carried out by some subordinate body. What Parliament did concern itself with was that masters and workmen should have an equal voice in the legislation, and that there should be ample preliminary discussion.

The Wages Tribunals set up by the Trade Boards Act and the Coal Mines (Minimum Wage) Act consist of three sections: (a) representatives of employers, (b) representatives of workers, and (c) a neutral and impartial element, called in the former Act 'appointed members' and in the latter Act the Chairman. (The first two classes are equal in number.) The usual number of appointed members of a Trade Board is three, though on the Tailoring Trade Board there are five. The Chairman under the Mines Act is usually a sole chairman, but in a few districts the chairmanship was constituted by three persons of equal authority. As elements (a) and (b) are rendered equal in voting strength, the real decisions on any matters on which the two sides do not agree rest with the impartial element.

In the case of the Coal Mines (Minimum Wage) Act the trade was split up geographically into twenty-two sections, with independent Wages Boards, so that local feeling and local variations have had full play.

In the case of the Trade Boards under the Trade Boards Act, the material provisions for publicity and discussion are as follows.

A proposed determination as to rates of wages must pass through a proposal stage of three months, during which it is exhibited in every known place of work where its provisions are to take effect. During this period objections may be lodged by any interested person, and these objections must be considered by the Trade Board before the rate is adopted.

In the case of Boards covering the whole of England and Scotland, District Committees have been appointed, and these must be consulted before a rate is adopted.

Even when a rate is adopted it comes into limited

operation for a period of six months, and this six months may be extended by the Board of Trade, who have also other powers of delay.

The fixing of a minimum wage for a trade may be a very simple or a very complex matter according to circumstances, but it usually involves legislating on ancillary matters, so that the 'determinations' of a Trade Board or of a Joint Board under the Mines Act may be lengthy and elaborate pieces of legislation.

In the case of Trade Boards provision has had to be made for persons who are learning the trade, and this has involved special scales of wages for learners at different periods of learnership, and some simple precautions for ensuring that persons receiving less than the standard adult rate are really in fact as well as in name 'learners.' Under the Mines Act the Boards have power to lay down conditions, on the observance of which the right to the minimum wage depends. In some districts these conditions are most elaborate.

#### (D) LEGISLATION BY LOCAL BYE-LAWS

The Employment of Children Act, 1903, gives local authorities considerable powers of legislation by bye-law in respect of children under 14. Thus the clause in the Act restricting night work for children may be varied by a local bye-law. Further, local authorities have power to make bye-laws as to the general employment of children. In the matter of street-trading, the power of local authorities to legislate extends to children under 16 years of age. This power is conveniently given to local authorities in regard to children, as the local authority is also the education authority.

These powers have been exercised to a considerable extent, and an analysis of this legislation will be found in Mr. F. Keeling's book on *Child Labour in the United Kingdom*.

Further, under the Shops Act, 1912, Section 4, local authorities may by order fix the day of the week for the statutory half-holiday for shops, and under Section 5 may make 'closing orders,' to be confirmed by the Secretary of State (see Appendix VI.).



## CHAPTER IV

### THE CONTRACT OF SERVICE

A SERVANT has already been defined as a person who for remuneration agrees to work according to the orders of another. What servants are included in industrial legislation, and what other persons besides servants are treated on the same footing as servants, has already been set forth in the chapter on The Scope and Definitions of Industrial Legislation.

A contract of service is a particular form of a legal agreement. The text-books tell us that a contract is an agreement which is enforceable at law, and that an agreement in its simplest form takes place when two 'parties' declare their consent as to something which is to be done by one or both of them. The two 'parties' in a contract of service are the 'employer' and the 'workman,' and the things to be done are work on the one side and payment of wages on the other.

**Capacity to Contract—Infants.**—Before a person can legally become a 'party' to a 'contract' the law must recognise his legal capacity to contract. A person over 21 years of age, of sound mind, has a general power of becoming a party to a contract, but in the case of persons under 21 (and in certain other cases not material to our purpose) there is a limitation of this power. Such persons under 21 are known as 'infants,' and a contract of service to be binding on an infant must be shown to be beneficial to him. The Courts might conceivably have utilised this Common Law rule to prevent the sweating of and cruelty to children and



young persons which characterised the earlier periods of the Industrial Revolution, but the Elizabethan Poor Law had long since established the theory that to set children to work was beneficial both to the child and to society, and that employment on practically any terms was more beneficial than no employment at all. The writer is not aware of any case in which the legality of a contract of service has been disputed by a person under 21 on account of lowness of wages or unsuitability of work. The kind of case which does come before the Courts is the following :<sup>1</sup> A lad of about 19 years of age engaged himself as a milk-carrier. Among other terms of his contract was an undertaking on his part not to compete with his master, after leaving his employment, within a radius of 5 miles and for a period of two years after leaving. Soon after attaining the age of 21 he left his master's service and set up business for himself, and repudiated this stipulation on the ground that it was not beneficial to him. The Court said, "When any stipulation is relied upon by the infant as being unfair to him, it is the duty of the Court to decide on the construction of the whole contract, and then to say whether as a whole it is clearly and manifestly for the benefit of the infant. . . . If there is any stipulation such as to make the whole contract an unfair one, then the whole contract is void." The Court further said, "Some of the stipulations will no doubt be in favour of the master, but an infant cannot pick these out and use them to get out of his bargain." It was held in this case that the contract as a whole was beneficial, and that without some such stipulation against future competition, milk-carriers would not be likely to get employment.

**Apprenticeship.**—The Common Law recognises a special form of the contract of service in the case of persons under 21 years of age which is known as apprenticeship. This differs from the ordinary contract of service in that the master undertakes to teach the apprentice. The contract often included other terms, such as living in the master's house, but the essential point was, and is, the obligation on the master to teach the apprentice his trade. The Common

<sup>1</sup> Evans and Ware, 1893, 3 Ch. 502.

Law looked with distinct favour on apprenticeship, and always regarded it as a beneficial contract.

The period of apprenticeship usually covers a substantial number of years; and as the master is apt to find an apprentice more bother than he is worth during the earlier years, he usually wants some security that the apprentice will not leave as soon as his services became valuable. For this purpose the apprentice's father or some other responsible adult is usually made a party to the instrument of apprenticeship, and then if the apprentice does not finish his term of years, the father or other guarantor can be made to pay damages. Under the terms of the Employers and Workmen Act, 1875 (see p. 323), the Court may order an apprentice to perform his duties, and if he fails for one month to do so the Court may send him to prison for not more than fourteen days. On the other hand, an apprentice may appeal to the Court if he thinks his master is not fulfilling his obligations, and the Court has power to rescind the instrument of apprenticeship and, if it thinks just so to do, to order the whole or any part of the premium to be repaid. These special powers are given to magistrates where there is either no premium or the premium does not exceed £25.

The subdivision of adult labour has rendered apprenticeship nearly obsolete. There is no object in apprenticing a boy or girl who is only going to learn one or two operations, in which a few months' practice will give adequate dexterity.

The modern employer in general also objects to being bound by a definite obligation to teach. The utmost that employers in trades under the Trades Boards Act have been willing to grant in return for a graduated scale of wages to beginners has been reasonable 'facilities for learning.' As a result of fixing a fairly high wage for absolute beginners, some employers insist on the learner signing an agreement to stay at work for a certain number of years, generally not less than two; but this form of agreement expresses no obligation on the part of the employer to teach, and though sometimes spoken of as apprenticeship, differs from it in that essential point.

**Form of Contract—Stamps—Statute of Frauds.**—The contract between a master and servant may be verbal or in writing, or partly verbal and partly in writing.

Written agreements usually require to be stamped with a sixpenny stamp, but there is an exemption in favour of an agreement for the hire of a labourer, artificer, manufacturer, or menial servant. This exemption obviously does not cover the case of clerks or shop-assistants or other non-manual workers. Where the agreement covers other matters besides hiring it may require to be stamped on that account.

If the hiring is for more than a year, or for a year to commence from a future day, it is a contract within "the Statute of Frauds." Before any legal proceedings can be taken upon it, the terms of the contract must be reduced to writing and signed by the party to be charged therewith. Contracts of service for long periods (two or three years) are not unusual when a master wishes to make sure of the services of some particular servant. They should of course be in writing, and the workman should see that the master is under the same obligation to find work for him as he is to perform any work given out during the stated period.

▮ **Substance of Contract.**—The substantial terms of a contract of service are a matter for individual bargaining. Such bargaining must comply with any statutory enactments governing the relationship of master and servant, and must not contain terms which are immoral or "against public policy," but is otherwise absolutely unfettered. Thus a master cannot agree with his servant that he shall work on a dangerous machine in a factory without the machine being fenced, for that would be an infringement of the Factory Act. So also he could not legally hire a man to break into a rival's factory and smash his machines, for that would be a criminal matter.

**Individual and Collective Bargaining.**—What is known as collective bargaining has of recent years become a matter of very great importance, and in Chapter XX. we shall see what the law has done to make the system of collective bargaining through Trade Unions effective; but in spite of this legislation the phrase 'collective

bargaining' is descriptive and not legally accurate. A collective bargain means an agreement as to terms of service between a group of men and one or more masters. As each man subsequently enters into a contract of service with a master he makes a legal contract, which is individual even when it incorporates the terms of a collective agreement. Thus, suppose there is a strike of carpenters in Coventry, and it is ultimately agreed that the men shall return to work on July 1 at 10d. an hour, with an increase of a halfpenny an hour on the following January 1. If on October 1 a member of the Carpenters' Union is taken on by a builder belonging to the federation of employers which settled the strike on these terms, then very probably a Court of Law would say that the bargain between the parties was for 10d. an hour up to December 31, and then for 10½d., even though those terms were not specifically mentioned, because the individual bargain between the builder and the carpenter can most reasonably be interpreted by reference to the collective bargain made at the close of the strike. If, on the other hand, the carpenter were taken on by the owner of a cycle factory who paid him 10d. an hour up to December 31, and then, being entirely ignorant of the collective bargain, paid him on January 7 another week's wages at the same rate, the carpenter would have considerable difficulty in satisfying a Court of Law that he was entitled to 10½d. an hour. Further, it is quite clear that if the carpenter, through being long out of work, or for any other reason, chose to accept 9½d. an hour, the bargain would be a perfectly legal one, though possibly the master or his carpenter might incur expulsion from the Association or Trade Union. A contract of service is therefore an individual bargain, though it may contain by reference, express or implied, the terms of a collective bargain.

**Terms of the Contract of Service.** — The most important terms of the contract will be (I.) the wages to be paid, (II.) the hours to be worked, and (III.) the conditions under which the contract can be put an end to.

## I. WAGES AND WAGE SYSTEMS

As regards wages, there are many methods of remuneration in use, and for a detailed description of them the reader is referred to Schloss on *Methods of Industrial Remuneration*, but a short account of those chiefly adopted to-day, as far as the writer's experience goes, may be of some use.

**(a) Weekly Time-wage.**—This is the usual form of remuneration for non-manual servants, such as shop-assistants, typists, junior clerks, etc. There is a normal working week, but as a rule overtime to a reasonable extent must be worked without extra remuneration (except perhaps 'tea-money'), but in return holidays will be paid for. It is also applied to manual labourers whose duties are of a varied nature, such as a porter or a packer, and to persons like tram-drivers and tram-conductors. In these cases the number of hours worked in the week is usually fixed, and overtime is paid for, and there is little practical difference between system (a) and system (b).

**(b) An Hourly Time-wage.**—In the case of skilled artisans, bricklayers, carpenters, painters, engineers of various kinds, and also in the case of the general labourers of several trades, wages are fixed at so much per hour, and the weekly wages are a product of the number of hours worked and the hourly wage-rate. Overtime is paid for as a matter of course, and by the custom of the trade or the shop it may carry with it an extra remuneration, say of 25 per cent or 50 per cent, which is usually called time and a quarter, time and a half, etc.

**(c) Piece-work.**—Here the basis of the payment is a unit of work and not a unit of time. The unit of work is ultimately fixed by reference to the standard time-rate, and is generally supposed to yield an average piece-worker about 'time and a quarter.' Apparently when piece-work was first introduced the offer of the price came from the workman, and if it turned out to be disadvantageous he had only himself to blame. There are some Trade Unions which have been able to maintain this rule. It will be seen later on that modern variations place the fixing of piece-rates

with the employer, and one of the objections to the introduction of these modern systems is that it is more advantageous to the workmen to offer a piece-rate and let the master show cause for cutting it down than for them to have to try to increase a piece-rate fixed by the master.

If the piece-work job is a long one, possibly lasting several days, or running into more weeks than one, the workman will want to draw a weekly sum on account. In this way he may possibly get into debt to his master, and this debt must be made good out of future piece-work earnings. Doing work for which payment has already been made is sometimes called, 'working a dead horse.'

**(d) Piece-work combined with a Guaranteed Time-rate.—**Under this system the worker is paid for the hours he actually works at the agreed or standard time-rate, and in addition he is free to earn a balance on piece-rates. Where the piece-rates are so fixed as to give an average workman about time and a quarter, a workman who does not earn any balance is obviously an inferior worker, and in some works if he 'gets into debt' two weeks in succession he is dismissed. Where this or some similar rule is not in force and workmen are free to get into debt, there are variations of the system according as each job stands by itself, or a debt on one job is carried forward and set off against a balance on another. Under the latter system a man who incurs a debt of any considerable amount knows that however hard he works his balances will only go to reduce his debt, and he becomes dissatisfied and usually leaves without waiting to be dismissed. The writer has known at least one works where the piece-rates only gave a balance to exceptionally quick workers, and some of the workers were in debt for a large proportion of their time-wages but were not dismissed. In a case like this the system is really a time-wage system with prizes for exceptionally gifted workmen. The piece-work rates are fixed by the employer, and works discipline is on the same lines as where time-wages prevail.

**(e) Premium Bonus Systems.—**Under these systems a time allowance is made for each job, and in any case the worker receives his time-rate for the whole time spent over

the job ; but if the job is done under the time allowed, the benefit of the time saved is shared between the master and the workman and generally (but not always) in equal shares. For example, if 15 hours are allowed for a given job and the workman does it in 10 hours, he receives  $12\frac{1}{2}$  hours' pay for his 10 hours' work. If he received the whole 15 hours' pay there would be no substantial difference between this system and system (d). A good deal of objection has been taken to this system by Trade Unions on the following grounds. First it is said that if a 15-hour job is done in 10 hours, the worker should be paid for the 15 hours and not for  $12\frac{1}{2}$  hours. The employers reply that in practice the time allowance always exceeds the time basis of an ordinary piece-rate. For instance, where the piece price for a particular job represents  $12\frac{1}{2}$  hours' pay, and it is estimated that the piece-worker will do it in 10 hours and so get 'time and a quarter,' the time allowance on the bonus system would be not  $12\frac{1}{2}$  hours but 15 hours. Whether this extended time allowance is really a fact is a matter over which there is much dispute. The system of time allowances rather than money prices is said to lend itself to 'scientific management,' and the establishment of units of work capable of application to the making of many diverse objects. Thus the work involved in drilling holes of different sizes in plates of different thicknesses can be graded by time allowances with much more exactitude than in money prices. Where the rate-fixers are practical men working under an experienced head, and the workmen have a real opportunity of testing allowances, the piece-rates should be much more uniform than when they are fixed by haphazard bargaining—a method which results in 'easy jobs' and 'hard jobs,' and much heartburning as to their distribution. On the other hand it is sometimes alleged that the rate-fixer's sole duty is to 'cut' time allowances, and to watch the men for opportunities of so doing. The fixing of time allowances by the employer, with more or less restricted opportunities for workmen to dispute them, is the second ground of Trade Union objection.

A good many Trade Unions have accepted the system,



and they take care that their members on the average earn substantially above their standard time-rates; but there seems to be a growing feeling that in the effort to do this the workmen have been 'speeded-up' to an unreasonable extent.

**(f) Collective Piece-wages.**—Very often piece-work comprising various operations is given out to two or more men. When the group consists of more than the man and his helper, it is usually called a gang. In some cases the leader or ganger takes the whole piece price, and pays day-wages to his helper or helpers, who expect an undefined amount in bonus when work has been done quickly. A more complex and a fairer form of organisation is for every man in the gang to have his rating, *e.g.* the leader at 10d. an hour, an experienced helper at 7d. an hour, a junior helper at 6d., a youth at 4d., and so on. The piece-work earnings of the gang are then divided rateably in proportion to each man's rating.

**The Wage Bargain.**—The form of the individual wage bargain will depend on the system of wage payment adopted by the employer, and all these methods of wage computation are equally legal. In some cases a man is so eager to get work, or so unbusiness-like, that he accepts a job without any stipulation as to wages. The effect of this would be to entitle the workman to the wages current in the shop for his class of work. As a rule he will find out the time-rate which is offered him, and whether there is any piece-work system as well, and he takes the work on those terms. If he engages himself on piece-work proper, he accepts the current piece-rates of the shop, unless they are absolutely individual to himself, in which case he is the person who offers the price.

**Effect of National Insurance Act, Part II.**—In many occupations and districts there is a Trade Union rate of pay ("a wage generally observed in the district by agreement between associations of employers and of workmen"), and though, as has already been explained, the wage bargain in each case is an individual bargain, yet such bargain often expressly or impliedly takes this rate as its basis. Where there is no actual Trade Union rate of pay, there can



usually be ascertained what rate is "generally recognised in the district by good employers." The National Insurance Act, 1911, Part II., gives a workman who is offered work outside the district where he was last ordinarily employed the right to refuse a job at wages lower than the Trade Union rate of the district, where there is one, or in other cases lower than the rate paid by 'good employers,' without thereby prejudicing his claim for unemployment pay.

The recognition of a 'standard rate' below which a worker in a trade insured against unemployment cannot be forced to accept work is made the basis of a penalty on a workman who is offered work at standard pay and on standard conditions, and who refuses to accept it. The penalty is the loss of his unemployment benefit. This matter is discussed more fully in Chapter XIX.

**Effect of Minimum Wage Legislation.**—The freedom of the individual bargain as to wages is more definitely interfered with by what we may call Minimum Wage Legislation, which is comprised in the Trade Boards Act, 1909, and the Coal Mines (Minimum Wage) Act, 1912. These exceptions are so important that Chapter VII. is devoted to their consideration. This interference is only in one direction, in other words, the legislation fixes a limit below which wages must not go, but leaves the employer and worker free to fix any higher wages they may mutually agree upon.

## II. HOURS OF WORK

The liberty of master and workmen to bargain as to hours of labour was interfered with as regards women, young persons, and children by the Factory Acts and Mines Acts of last century; and for details of the hours which can legally be worked by these classes in factories and workshops and mines reference should be made to Chapters X. and XI. More recent legislation as to shop-assistants is contained in the Shops Act, 1912 (Chapter XI.).

As regards men above the age of 18 years, there has been no interference by Statute except (a) in regard to miners, for whom the Coal Mines Regulation Act, 1908, established an

8-hours day, and (b) in certain dangerous trades. A good example of the latter will be found in the Regulations for pottery making (p. 504). The first clause of the Mines Act of 1908 establishes the general rule that a workman shall not be below ground in a mine for the purpose of his work, and of going to and from his work, for more than 8 hours during any consecutive 24 hours.

As an exception to this general rule, a fireman, examiner, deputy, on-setter, pump-minder, fan-man, or furnace-man may be below ground  $9\frac{1}{2}$  hours.

A general extension of 1 hour per day on not more than 60 days in the year is allowed, but the occasions on which this privilege is used must be recorded in the register of the mine.

The operation of the Act may be suspended by Order in Council in the event of a great emergency.

**The Normal Week.**—Though the Factory Acts do not expressly limit the hours of male adult labour, they have been instrumental in indirectly diminishing the hours of such labour where men and women work together at a trade, and their operations are interdependent. Further, the Factory Acts supported by the Trade Unions have established a public opinion in favour of a working day, shorter even than the legal day under the Factory Acts. In the case of textiles, the legal working week is 55 hours, and in the non-textile trades it is 60 hours. A very usual working week is now from 51 hours to 54 hours. Further information as to hours of work will be found in Appendix I.

In the engineering trade the Amalgamated Society of Engineers leaves to each district the task of settling normal hours and overtime. In the Midlands the usual working week is 52 or 53 hours, with an allowance of 32 hours per month overtime, which is generally worked at the rate of 2 hours per day for 4 days in each week.

It may be safely assumed that in every shop there is a normal or customary working week, starting at a defined hour in the morning and ending at a defined hour in the evening, and on Saturdays about midday.

As a rule no express bargain is made about hours, and

the implied bargain apparently is that the workman shall work the normal hours per week, with reasonable variations by way of overtime or short time, having regard to the exigencies of the master's business.

**Overtime.**—The liability to work overtime may vary from man to man. Thus a millwright working on repairs would be expected to work on Saturday afternoon and Sunday almost as a matter of course, whereas an ordinary hand would expect to be free at those times unless an order was a matter of extreme urgency.

The arrangement of overtime and the selection of the men to work it are both administrative matters, which rest with the employer.

The working of overtime is certainly smoothed by the fact that it means extra remuneration, based not only on the extra hours worked, but also, in nearly every case, on a higher rate of pay per hour after the normal working hours are passed. Time and a quarter is a very usual rate for overtime, and for Saturday afternoons and Sunday time and a half or even double time may be paid. Men on night work sometimes work a somewhat shorter week, say 48 hours, and are paid at time and a quarter rates. The social and economic problem presented by overtime is another matter, and cannot be considered here.

**Short-time and Suspension of Work.**—The question of working short-time presents more legal difficulties than that of overtime. Unless an employer's business has permanently declined he does not want to part with good workers during a season of slackness, or a period of bad trade, and under certain circumstances it is to the advantage of the workman to accept short hours rather than run the risk of a period of complete unemployment. This is expressly recognised by the National Insurance Act, 1911, Part II., and the Act of 1914 amending it (see Chapter XIX.).

Nevertheless, short-time and periods of 'suspension' at times press very hardly on workers. It would be difficult to say exactly what the legal rights of the parties are. The employer says, 'I can only give you two days' work this week,' or 'after Saturday we shall work from 9 to 5

instead of 7 to 7,' or 'I must suspend you for a fortnight.' The worker is not discharged, and is apparently not free to take other work should it present itself. He can, of course, himself give notice to leave. Very often in the case of piece-workers they are required to turn up at work on the chance of there being work, and are kept waiting at the workshop for the whole of the working hours. If they stay away and work comes in, they run the risk of being discharged without notice for being absent from work without leave. These difficulties are to some extent due to the custom of giving and taking notice of a certain length, of which more will be said below. Where a shop works under the system, which is becoming more and more common, of there being no obligation on either side to give notice, then the legal position is simpler. In such a case suspension is in effect a discharge, coupled with an offer of reinstatement when more work comes in, and the workman is free either to take other work or to accept the opportunity of reinstatement. Again in this case the change from a normal week to a shorter week can be made without notice, as a worker who objects to working shorter hours can at once leave without penalty. Where the no-notice system is not in force probably the strict legal position is that the employer is bound to employ his workers for the normal hours until he has reduced the working week by notice to his workers of the same length as is required to discharge them. The present writer has never heard of this being done systematically, though some notice of short time or of suspension is usually given. As the result of a workman standing out for his strict legal rights would in all probability be his dismissal, he is not likely to insist on getting his rights in this matter. On the other hand it might be held that an employer has a right to reduce working hours if the requirements of his business make a change necessary, on giving his workers reasonable notice, leaving what is reasonable to be determined by the circumstances of each particular case, and not merely by the length of notice required to terminate the contract of service.

## III. LENGTH OF HIRING AND OF NOTICE TO LEAVE

Where nothing is said expressly as to the duration of a contract of hiring and service, and there is no custom which fixes it by implication, the law considers that the contract is a general hiring and lasts for a year. This rule is not confined to servants in husbandry, though it is probably derived from the customs of husbandry, and in the pottery trade in particular the hiring of a workman from Martinmas to Martinmas was quite usual. However, this legal rule is of little or no legal importance to-day, as it never overruled the customs of particular trades, and all trades nowadays may be assumed to have their customs.

Where there is a reservation of weekly wages, a weekly hiring will be presumed, unless there are other circumstances pointing to a different conclusion.

Originally a yearly hiring could not be terminated before the end of the year, but shorter customary notices soon grew up, *e.g.* a month's notice or a month's wages for a domestic servant. So travellers, clerks, etc., not in receipt of weekly wages, have their own customary notices, but it is safer to insert a definite provision in the contract rather than to rely on custom.

It has already been seen that in some employments wages are definitely fixed by the hour, and in these employments it is becoming more and more usual to stipulate only for a few hours' notice. In the building trade, where men are constantly paid off at the end of a job, two hours' notice is very usual.

Where men are employed from day to day, they can by custom be paid off at the end of the day without even an hour's notice.

Reference has already been made to the growing custom of neither giving nor requiring notice. This certainly solves some legal difficulties, but it makes the bond between master and workman a very loose one.

The great point of principle to remember is that, unless there is an express agreement to the contrary, length of notice must be the same on both sides. If the master expects

a week's notice from his men, then the workmen are entitled to a week's notice from the master, and *vice versa*.

Where piece-work is the custom, and there is no guarantee of a time-wage, it is sometimes claimed that as each piece of work is finished the contract of service comes to an end, and is renewed when the next work is given out. This may be so, but at any rate where the employment has in fact been continuous there would be ground for holding that the contract of service lasts until put an end to by reasonable notice, or an actual disagreement about prices.

In the case of a home worker who takes work away from his employer's premises, the position is simpler, as in general there will be a fresh contract of service on each occasion of fetching work.

**Variation of Terms.**—It is open to the parties to an agreement at any moment to vary its terms by mutual consent. Thus a workman can consent to take smaller wages, or a master can consent to give a rise in wages, and such variations can take effect immediately if the parties so desire. As an alternative to mutual consent, one party can give notice to the other to terminate the contract, and at the same time can offer a fresh contract embodying variations. This is what a master does when, without obtaining the consent of his workmen, he intimates to them on one pay-day that commencing from the next pay-day, he will reduce wages. If the workmen stay on, the old bargain will be at an end, and a new one will have come into force. In the same way workmen are not entitled to 'down tools' at a moment's notice, but hand in their notices when they desire variations in their contracts of service. If the masters give way, then at the expiration of the notices the varied contract will have come into legal operation.

If a workman is prepared to submit to dismissal rather than consent to a variation, he can always insist on having the old terms maintained until his contract is legally at an end. On the other hand he may submit to immediate variation without notice rather than risk losing his job.

**Terms taking effect after Expiration of the Period of Service.**—When a servant performs duties which give

him a hold on the goodwill of the business, *e.g.* a personal acquaintance with its customers or clients or a knowledge of trade secrets, it is usual for the master to protect himself against the risk that the servant, after he has left his employment, will enter into competition with him, and use the knowledge acquired in the master's business to his injury. This is a real danger, and the form which the protection takes is a promise made by the servant when he is engaged, not to compete with his master, after leaving his service, for a definite period and within a prescribed area. Promises restraining a man's power of earning his living are as a general rule unenforceable at law as being against public policy, and it will readily be admitted that contracts in restraint of trade may be dangerous to the public welfare, but in the circumstances we are considering, they are, within limits, very proper safeguards of the master's interests.

The law, therefore, allows them, as an exception to its general rule subject to this limitation, that the future restraint on the servant must not go beyond what is reasonably necessary for the master's protection. An example has already been given on p. 30 in the milk-carrier's case. Here the restraint was limited to a radius of 5 miles from the master's place of business. If the area had been 50 miles it would clearly have been an unreasonable restraint. On the other hand, where the managing director of a company which manufactured Maxim guns submitted on his appointment to a world-wide restraint, and it was shown that the customers of the company were governments in all parts of the world, this area, though it could not possibly have been greater, was held not to be unreasonable, as nothing smaller would have given the Company adequate protection against competition by its former manager. Every case must be judged on its own circumstances, and the reasonable character of the restraint established in regard to them. If this cannot be done the restraint is bad in law and unenforceable.

*Note.*—A further example of restrictions imposed on the hours of employment of adult male workers (pp. 38-39) occurs in the case of certain classes of railway servants. (See the Addenda at the beginning of the book.)



## CHAPTER V

### THE MUTUAL DUTIES OF MASTER AND SERVANT

So far, in considering the terms of a contract of service, we have only concerned ourselves with its express terms. Some of the most important matters are, however, usually left unexpressed. It may help us to call these 'implied obligations' or 'duties,' rather than terms of a contract.

The main duties of a servant are :

(a) To be ready to work, and to continue at work until the contract is at an end.

(b) To be reasonably competent and careful.

(c) To submit to the necessary discipline of his master's business.

(d) To observe good faith towards his master.

The main duties of a master are :

(a) To find work for the servant, and to continue the employment until lawfully put an end to.

(b) To indemnify his servant from the consequences of acting in obedience to his master's lawful orders.

(c) To pay the agreed wages.

(d) To pay compensation for accidents, as provided by the Common Law and by special statutes.

(e) To observe his general statutory duties as contained in the Factory Acts, the Insurance Acts, etc.

Some of these duties are now so complex as to require treatment in separate chapters, and this chapter will be limited to the examination of the more general duties, and a short explanation of the remedies open to the aggrieved party.



**(a) Duty of Servant to be ready to work.**—The workman's breach of duty may consist of (1) a definite refusal to work under the terms of the contract, (2) absence from work for a material period of time without leave, or (3) failure to be reasonably regular in observing the working hours fixed by the master.

✓ (1) Where there is an absolute refusal to work, the master may be content to fill the place left vacant by the workman, and may not think it worth while to take any further steps. If, however, the workman's services were valuable, and cannot easily be replaced, the master can assert his right to damages for breach of contract.

Only in special circumstances will the law take steps to make a servant actually perform his duties against his will. This form of remedy is called 'specific performance,' and is obviously open to considerable limitations in practice. Unwilling service may be worse than no service at all. The law limits itself to enforcing merely the negative terms of a contract of service, and these terms must be quite clear and free from ambiguity.

The standard example<sup>1</sup> is the case of a singer who engaged herself to sing at performances during a certain number of weeks, and during that time to accept no other engagements. She proposed to break her contract, and an application was made to the Court to restrain her from breaking the negative term of the contract, namely, the undertaking not to accept other engagements, and an injunction to that effect was issued by the Court. Indirectly such injunctions would in most cases lead to the actual performance of the contract, unless the servant was as a fact an independent person prepared to forego earnings, and pay damages.

The Court will not issue an injunction, unless the master is willing to perform his part of the contract, and accept the services which should be rendered under its terms. The writer has seen a three years' engagement of a carpenter, whose services were evidently of some special importance to the master, but according to his recollection it did not contain a negative term forbidding service elsewhere during

<sup>1</sup> *Lumley v. Wagner*, 1 D. M. and G., 604.

the three years' period. So far as he is aware there are no cases on record where specific performance of a contract for manual labour has been decreed, and as usually it is not difficult to replace the services of a manual worker, the Court would probably leave the master to get any money compensation that might fairly be awarded to him, and refuse to issue an injunction even for the specific performance of a negative term of the contract.

(2) Absence of a servant from work for a material period of time without leave may be a serious detriment to the master's business, and where such absence is without excuse it usually results in dismissal without notice, though in some cases a master will take proceedings for breach of contract without treating it as at an end. The most usual excuse, and the only one necessary for us to consider, is that the absence was due to the workman's illness.

In law the inability of a workman to work owing to illness operates as a temporary suspension of the contract, and if notice of illness is given, and the illness is genuine, no difficulty usually arises. If the master is not prepared 'to keep the job open,' he can terminate the service by the proper notice.

In many cases, however, the workman does not send any intimation of illness, and the master cannot at the moment distinguish an absence really due to illness from an absence without leave. As the absence of the servant may be a serious inconvenience to the master it would seem that the servant is under a duty to give reasonable notice of the cause of absence from work, and in default of such notice cannot complain if he is treated as absent without leave or excuse. In practice a workman is often dismissed as absent without leave where there has been genuine illness, but the workman has taken no effective steps to keep his place open. Courts of Referees, constituted under Part II. of the National Insurance Act, have held that failure without good excuse to send word of the real cause of a material absence from work is a breach of the workman's duty to his master, which is rightly treated as 'misconduct' within the meaning of Section 87 of that Act. The writer is not aware that this

has ever been tested in a Court of Law on the plea that such a dismissal would be a 'wrongful dismissal.'

┌ (3) The question of regular attendance during recognised work hours is a matter of some importance, as irregular attendance is a very common cause of dismissal. It is usual to punish a workman who comes late, either by a direct fine or by keeping him out for an additional time. Thus, if a workman comes after 6 in the morning, where that is the hour of starting, he is very usually kept out till 9, when the men go in again after breakfast.

Where there is a definite rule for the workshop, such as that a workman must not be late more than once a week or twice a month, then a breach of the shop rule justifies the master in dismissing the man. Very often there are no express rules, or express rules fall into abeyance and remain unknown or unnoticed; in these cases some sort of warning is due to a workman before dismissal. The writer is not aware of any practice of contesting dismissals in the Law Courts, but a large number of these cases come before Courts of Referees appointed under Part II. of the National Insurance Act, and they have to decide under what circumstances irregular attendance constitutes 'misconduct' within the meaning of Section 87 of that Act. It must be borne in mind that a master may be justified in dismissing a servant for irregular attendance when there is no question of misconduct in a moral sense, *e.g.* a man may come late three times in one week because his wife is seriously ill, and he can get no help first thing in the morning. A master is not bound to retain a servant who breaks shop rules, and does not carry out his side of the bargain of service, even though the servant is fulfilling some higher duty.

**(b) Duty of Servant to be reasonably Competent and Careful.**—No man is always at his best, and there are very few who are not sometimes careless or inattentive in some degree. A master must therefore be content with servants who are reasonably competent and careful. We shall see when we come to the Common Law responsibility of master for accidents to his servants, that the master is there given the benefit of this assumption. If he employs servants who are

not reasonably competent he is himself acting negligently, and is liable for the results of his negligence, but the fact that on a particular occasion a servant has shown himself incompetent or careless is no proof that the master has been negligent in engaging him. In the same way a servant who occasionally spoils work is not liable to instant dismissal without notice, apart from proof of gross carelessness or wilful neglect. Serious incompetence, such as is sometimes shown by a man who takes on an entirely new job, is a good ground for immediate dismissal, for a valuable machine or tool or material may be in peril. It is not unusual, if the carelessness results in serious loss to the master, for instant dismissal to follow, irrespective of the distinctions which the law recognises. After bad time-keeping, 'spoilt work' is the next most usual reason for dismissal. Probably the introduction of the custom of 'no notice given or required' is due to a wish to secure the master's legal position against possible controversy on these points. The question of making deductions for spoilt work is dealt with in the chapter on the Truck Acts.

**(c) Duty of Servant to submit to the necessary Discipline of his Master's Business.**—What has already been said as to the duty of regular attendance during working hours might be included under this heading.

The general principle seems to be that matters of management are for the master's decision, and that it rests with him to settle the hours of work (subject to statutory restrictions), the order in which work is to be done, the methods to be employed in doing work, and so on. Trade Unions in some instances have succeeded in obtaining recognition by masters' associations, or by single firms, of certain standard conditions relative to a normal working week, the amount of overtime allowed per month, the proportion of apprentices to fully qualified workmen, etc. etc. But just as the existence of a Trade Union rate of wages does not of itself make a wage contract anything but an individual bargain (see p. 33), so it is equally true that where a master has not by reference incorporated the Trade Union conditions of management, the contract of service as a matter of law

leaves the master a free hand on mere questions of management. Questions of delimitation of work may not be mere questions of management, but may involve definite breaches of contract. Thus, to give an extreme instance, a man employed as a bricklayer would be justified in refusing to do plumber's work, because he engaged himself as a bricklayer and not as a plumber. On the other hand, a man engaged as a general labourer must do such labouring work as a master appoints, and has no ground for complaint if after doing one kind of work for a long period his work is changed. Trade Unions attach considerable importance to delimitations of work.

The general legal position seems to be that a servant who wilfully disobeys the orders of his master in matters of management is setting himself up as master, and making the relationship of master and servant illusory. Under such circumstances the master can discharge the servant without notice. A distinction must be drawn between wilful disobedience and disobedience due to forgetfulness or carelessness. This form of disobedience is really a symptom of incompetence, and comes under the principles already mentioned in discussing the competence of workmen.

**(d) Duty of Servant to observe Good Faith towards his Master.**—Under this somewhat general and indefinite heading are included various matters which will vary in different employments, but which have a common element of dishonesty in a broad sense of that word. A few examples will suffice. (1) A servant must not work for himself in his master's time. If he is a time-worker, he is in effect robbing his master of a part of his time-wage. If he is a piece-worker, he is presumably using his master's machinery, power, etc., for his own purposes.

(2) A servant must not make a profit for himself when acting as servant. If an office boy is sent to pay a bill and a small discount is allowed, the discount belongs to the master, not the boy. The system of giving servants a secret commission had become such a scandal that special legislation had to be enacted. Under the Prevention of Corruption Act, 1906, it is a misdemeanour punishable with a maximum

sentence of two years' imprisonment or a fine of £500 for an 'agent' (this term includes a 'servant') corruptly to accept or obtain, or agree to accept or obtain from any person for himself or for any other person, any gift or consideration as an inducement or reward for doing or forbearing to do any act in relation to his principal's (*i.e.* his master's) affairs or business, or for showing or forbearing to show favour or disfavour to any person in relation to his principal's affairs or business.

(3) A servant must not use his employer's trade knowledge. Thus in one case a canvasser who had been collecting information for a directory proposed to transfer his services to a rival firm, and to give them the benefit of the information which he had acquired. It was held that he could be restrained from doing this. A servant is, of course, entitled to the benefit of his trade experience, and no law could deprive him of this, and the dividing line between experience and knowledge must be sometimes a thin one, but the principle is clear, though its application may sometimes be difficult. This is one of the practical reasons why an employer takes a promise from a confidential servant restricting the servant's right after leaving to compete with him or to take service with a competitor.

**Master's Duties—(a) To find Work for the Servant.**—This duty of finding work for the servant continues until the employment is lawfully put an end to. The question of the notice necessary to put an end to a contract of service has already been discussed, and the kind of behaviour on the part of a workman which justifies his immediate dismissal by the master has been stated. The master's duty to find work for his servant while the service lasts varies according as the servant is working for time-wages or piece-wages.

If the servant is on time-wages and is in attendance at his place of work, then the wages are payable whether the master finds sufficient work to fill up the servant's time or not. For instance, a clerk at 30s. a week has so little work in hand that he is idle for an hour or two every afternoon. If he is ready and willing to do what work is given him, he is entitled to his usual weekly wage.

Where a person is paid by the hour, and there is no definite obligation to find a given number of hours' work in each week, temporary suspensions for an afternoon or a morning or a few hours are quite customary, *e.g.* in the building trade, and wages are not payable during periods of temporary suspension without an express stipulation or a recognised custom. Where wages are so payable the usual phrase employed is 'payment for waiting time.'

If a master does not care to provide work for a servant who is under notice, he is always free to pay the wages due for the period of notice, and dismiss the servant immediately.

The obligation of a master to provide work for a servant on piece-work is somewhat doubtful. If the view is correct that each piece-work job is a separate contract of service, then obviously there is no obligation on the master to make a fresh contract. More probably the master's obligation is either to find a reasonable amount of continuous work, or to give the servant some sort of notice before the expiration of the job in hand that there will be no more work for him. If this is so, a piece-worker is in much the same position as a time-worker where the conditions of employment favour the recognition of short periods of suspension. The intervals between piece-work jobs will not be definite periods of unemployment, but merely suspensions of the active relationship of master and servant.

What is a reasonable amount of continuous work, or at what point a temporary suspension becomes a breach of the master's obligation, it is not easy to say. Every case must be dealt with on its merits, and the only general observation that can well be made is that in seasonal trades piece-workers do in fact recognise a right on the master's part to suspend work from time to time.

Where a piece-worker is entitled to piece earnings with a guaranteed time-rate, whether the guarantee arises from contract or through the operation of a minimum wage determination, the exact determination of the hours worked is essential.

Workers generally contend that if they are kept on the master's premises waiting for work and are not allowed to



pass out from the work-place, these waiting times should be paid for. As a matter of practice it is quite easy for a master to book the amount of time a servant spends on his premises, but it is much more difficult to book the time actually spent on particular jobs. It is therefore not unusual for an employer to pay guaranteed time-rates for the whole period of a servant's detention at work, irrespective of whether piece-work is or is not provided for the whole of such time.

**(b) Master's Duty to indemnify his Servant.**—The master must indemnify the servant from the consequences of acting in obedience to his lawful orders. In some cases a servant in the course of his duties incurs a liability to an outsider, which can be enforced against the servant. In these cases the servant is entitled to call on his master, who is really responsible for what the servant has done, to make good any loss to which the servant may be put.

**(c) Master's Duty to pay the agreed Wages.**—Failure to pay agreed wages may take several forms. There may be a dispute as to what is actually due to the workman ; or there may be a claim on the part of the master to discharge the wages by the supply of goods, or in some other way to set up a cross-claim ; or the master may claim to make deductions for breaches of discipline or spoilt work or materials.

Disputes as to wages due will be dealt with under the general heading of the 'Settlement of Disputes.' The question of payment of wages otherwise than in cash and the allied questions of fines and deductions form the subject-matter of the Truck Acts and are dealt with under that heading in Chapter VI.

**Master's other Duties.**—The law as to compensation (in the broadest sense) for accidents, etc., also requires separate treatment, and is dealt with in Chapter VIII.

The Factory Acts, the Mines Acts, and the Insurance Acts are dealt with in Chapters IX. to XVI. and XVIII. and XIX.



## CHAPTER VI

### THE TRUCK ACTS

THE term 'truck' in its original sense denotes the payment of wages in goods or otherwise than in current coin, and in a more extended sense it signifies deductions made from wages in satisfaction of some claim by an employer to exact penalties for misconduct or bad work, or to make charges for material, or power, or other things supplied to the worker in the course of his employment.

The evils of truck were discovered in very early times. A statute of 1464 narrated that labourers in the cloth-making trade 'have been driven to take a great part of their wages in pins, girdles, and other unprofitable wares.' Truck is, in short, a system by which a master gets an unfair profit out of his servant. In the extended sense of the term, it may cover a very serious interference with the workman's liberty. For a picture of a workman in debt to his master and at his mercy in the matter of fines in the middle of last century, reference should be made to Kingsley's "*Cheap Clothes and Nasty*" (reprinted in Macmillan's edition of *Alton Locke*).

The Truck Acts now in force are the Truck Act, 1831 (an Act to prohibit the payment in certain trades of wages in goods, or otherwise than in the current coin of the realm), the Truck Amendment Act, 1887 (an Act to amend and extend the law relating to truck), and the Truck Act, 1896 (an Act to amend the Truck Acts). These three Acts are construed as one Act, and are known as the Truck Acts, 1831-1896.

Certain analogous Acts are also included in this chapter.

**Persons within the Truck Acts.**—By the 2nd Section of the Truck Amendment Act, 1887, the provisions of the Act of 1831 were extended to include any workman as defined in the Employers and Workmen Act, 1875, and the three Acts together apply generally to any person (not being a domestic or menial servant) who is a labourer, servant in husbandry,<sup>1</sup> artificer, handicraftsman, miner, or otherwise engaged in manual labour, who has entered into or works under a contract with an employer which is either a contract of service or a contract personally to execute any work or labour. Certain parts of these Acts apply only to certain classes of workmen, and part of the Truck Act, 1896, applies to shop-assistants, who are of course not engaged in manual labour.

**Substance of the Act of 1831.**—By the 1st Section of the Act of 1831 it is made illegal for the contract of hiring to make wages payable otherwise than in current coin of the realm. In other words, the bargain between master and workman is to be for wages payable in current coin.

By the 2nd Section no provision can legally be made, directly or indirectly, respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the workman's wages shall be laid out or expended. In other words, the bargain must leave the workman complete freedom as to the spending of his wages.

But this is not enough, for, in spite of a correct bargain, pressure might be put on the workman to accept in practice payment in goods. The 3rd and 4th Sections go on to enact that the entire amount of the wages earned by or payable to a workman shall be actually paid to him in the current coin of the realm and not otherwise ; and payments in goods or otherwise than in current coin are to be illegal, null and void, and a workman is given the right to recover from his employer so much of his wages as shall not have actually been paid to him in the current coin of the realm.

Section 5 prevents an employer from setting off, in any action brought against him by a workman for his wages, the

<sup>1</sup> The exceptional position of servants in husbandry is explained below.

price of goods supplied to the workman from any shop or warehouse kept or belonging to such employer, or in the profits of which the employer has any share or interest ; and Section 6 prevents an employer from directly bringing an action against any workman for goods supplied to the workman by the employer as or on account of his wages or reward for his labour, or for any goods supplied to the workman at the employer's shop or warehouse, as before defined.

Employers breaking the Act are made liable to penalties.

The exceptions to the Act consist of certain benefits for which deductions may be made by the employer, sometimes in particular industries, and always upon conditions. A tabular form of statement is probably the most intelligible.

Subject of Deduction.	Trade Limitation.	General Condition.	Special Condition.
(1) Medicine or medical attendance.		Agreement for the deduction to be made in writing and signed by the workman.	
(2) Fuel.		Do.	(2) } Not to exceed the real and true value.
(3) Materials, tools, or implements.	(3) Miners only, and for trade purposes.	Do.	(3) }
(4) Hay, corn, etc.	(4) For consumption by a horse, etc., employed in his trade.	Do.	(4) }
(5) House-room.		Do.	
(6) Victuals.		Do.	(6) To be dressed and prepared under the employer's roof and there consumed by the workman.

Employers are also permitted to advance to a workman (a) his contributions to a friendly society or savings bank, (b) any money for his relief in sickness, and (c) any money for the education of his children.

**The Truck Act, 1887.**—The Truck Amendment Act, 1887, is the Act which made the definition of workman given in the Employers and Workmen Act, 1875, applicable

to the Truck Acts. It then proceeded to deal with 'subbing.' This is a practice by which workmen are allowed to draw wages in advance of the regular pay-day, accounting for the advances when pay-day comes. In the case of casual workers subbing is almost a necessity, as they may begin a new employment with practically no resources, and may not be able to hold on till pay-day comes. The grievances of the workmen were that 'subs' were arbitrarily withheld, and that a charge of some sort was made for this payment in advance. The 3rd Section remedied both these points by enacting that "whenever by agreement, custom, or otherwise a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance in part or on account thereof, it shall not be lawful for the employer to withhold such advance or make any deduction in respect of such advance on account of poundage, discount, or interest or any similar charge."

Under the Act of 1831 the agricultural labourer (technically a servant in husbandry) was excluded altogether. The definition of 'workman' introduced from the Act of 1875 included this class, and it was therefore necessary to provide by a separate section of the Act of 1887 for their position. Opportunity was, however, taken to define exactly what might be given to this class in addition to their wages, and as part of their remuneration, and the Act proceeds on the line of accepting the practice of good farmers. The 4th Section enacts that nothing in the Acts of 1831 or 1887 shall render illegal a contract with a servant in husbandry for giving him food, drink, not being intoxicating, a cottage, or other allowances or privileges in addition to money wages as a remuneration for his services. In other respects he is within these Acts, and it would not be legal, for instance, for his master to make him take bacon or potatoes in lieu of the whole or part of his money wages.

Sections 5 and 6 of the Act of 1887 fill up certain loopholes in the Act of 1831. A master must not pay wages by giving orders on tradesmen for goods, and a tradesman supplying goods on the master's order cannot sue the workman for

their price (Section 5). Again, no employer may directly or indirectly impose as a condition of employment on any workman any terms as to the place at which, or the manner in which, or the person with whom, any wages paid to the workman are to be expended, nor may any employer dismiss any workman from his employment on account of the place at which, or the manner in which, or the person with whom, any wages have been expended (Section 6).

Section 8 provides that no deduction shall be made from a workman's wages for sharpening or repairing tools, except by agreement not forming part of the condition of hiring.

Section 9 provides for a yearly audit by two auditors appointed by the workmen of the account which an employer is bound by the Act to keep of his receipts and expenditure in respect of deductions made from the wages of any workmen for the education of children, in respect of medicine, medical attendance, or tools. Subsequent legislation has done away with any occasion for deductions for the education of children and the supply of medicine and medical attendance, but this section is a valuable check on unfair deductions for sharpening or repairing tools.

Section 10 extends the benefit of the Truck Acts to certain classes of home-workers, who are technically not employed under a contract of service or under a contract personally to execute work, but under a contract of purchase and sale. The substance of it is as follows: Where articles are made by a person at his own home or otherwise without the employment of any person under him except a member of his own family, the Truck Acts shall apply as if he were a workman, and the shop-keeper, dealer, trader, or other person buying the articles in the way of trade were his employer. The price is to be regarded as if it were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer. The articles must be under the value of £5, and made up of wool, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair or silk, bone, thread, silk or cotton lace, or of lace made of any mixed materials. This list does not comprise the whole range of

home-made articles, omitting, for instance, steel toys and simple hardware. The operation of this section may be suspended by an Order in Council.

One weakness of the Act of 1831 was that no one was officially recognised as having a special duty to enforce the Act. It is a matter of common experience that to rely on individual workmen asserting their rights is to render an Act of Parliament nugatory. This is partly due to ignorance and partly to fear of consequences. The 13th Section deals with this drawback by making it the duty of the inspectors of factories and inspectors of mines to enforce the provisions of the Truck Acts, and giving these inspectors the same powers and authorities as they possess for enforcing the Factory Acts and the Mines Acts.

**The Truck Act, 1896.**—This Act deals with a matter of much greater complexity than the substitution of goods for wages in the payment of wages, viz. the keeping back of part of the wages as a fine or deduction for breaches of discipline, spoilt work, etc., and the making of charges for materials, tools, standing-room, power, etc. As proposals on the part of the Government for amending this Act were actually awaiting introduction at the outbreak of the War, it seems worth while to explain the relationship of this Act to the actual conditions of industry.

The maintenance of discipline is not a hardship on workers. If they are allowed to come late, to talk and waste time at work, the master's business must suffer, and he probably recoups himself by the payment of low wages. The writer's experience is that good discipline and good wages, poor discipline and poor wages go together. The easiest form of enforcing discipline is to fine the workman or workwoman who is guilty of an offence; and as these fines are a source of profit to the employer, they tend to become compensation for absence of discipline rather than a real effort to maintain discipline. The fines are usually quite arbitrary, that is to say, they have little relationship to the loss (if any) sustained by the employer. Many works of high standing and exemplary management have no recourse to fines.

The making of 'waste' by spoiling an article in the

course of manufacture is in some processes almost inevitable. The most careful workman is sometimes not so attentive as usual, or his usual skill for the moment fails him. The present writer knows no task more difficult than the attempt to assess the blame which can fairly be attached to a workman for spoilt work. A rough-and-ready way for an employer to deal with spoilt work is to make a deduction from wages. It is obvious that in the hands of an unscrupulous employer an unrestrained power of levying fines and making deductions might lead to great abuses.

With regard to things charged for, these vary from cottons supplied to home-workers to standing-room and power supplied to independent piece-workers in a tenement factory, and cover many cases in which the ignorance or poverty of the worker deprives him or her of effective bargaining power.

The object of the Truck Act, 1896, is to limit an employer's right to make deductions. The terminology of the Act is a little confusing. The writer uses the word 'fine' in relation to Section 1, which deals with discipline; the word 'deduction' in relation to Section 2, which deals with spoilt work, etc.; and the word 'charge' in relation to Section 3, which deals with the supply of materials, tools, etc., by an employer.

Under Section 1 of the Act, fines for breaches of discipline are only permissible when made in pursuance of or in accordance with a contract relating to fines which satisfies certain conditions.

(1) (a) The terms of the contract must be contained in a notice kept constantly affixed at such place or places open to the workman, and in such a position that it may be easily seen, read, and copied by any person whom it affects; or (b) there must be a contract in writing signed by the workman. In other words, an employer who wants to be in a position to fine his work-people must either put up a notice in his works, or get signed agreements from his work-people.

(2) The contract must specify the acts or omissions in respect of which the fine may be imposed, and the amount of the fine or the particulars from which that amount may be ascertained.



(3) A fine can only be imposed under the contract in respect of some act or omission which causes or is likely to cause damage or loss to the employer, or interruption or hindrance to his business.

(4) The amount of the fine must be fair and reasonable, having regard to all the circumstances of the case.

(5) Particulars in writing showing the acts or omissions in respect of which the fine is imposed and its amount must be supplied to the workman on each occasion.

These rules as to disciplinary fines apply to shop-assistants.

Section 2 deals with deductions for or in respect of bad or negligent work, or injury to the materials or other property of the employer. Conditions (1), (4), and (5), given above, must be satisfied, and in place of conditions (2) and (3) there is a special provision that the deduction must not exceed the actual or estimated damage or loss occasioned to the employer by the act or omission of the workman, or of some person over whom he has control or for whom he has by the contract agreed to be responsible. If the workman is engaged on an article, either of high intrinsic value or on which a large amount of work has already been done, the maximum deduction authorised by this provision may quite possibly exceed the whole of his remuneration not merely for the work spoilt but for the current week's work ; but in this case doubtless a Court would consider the maximum deduction as not being fair and reasonable, having regard to all the circumstances of the case.

Section 3 deals with charges for or in respect of the use or supply of materials, tools, or machines, standing-room, light, heat, or any other thing to be done or provided by the employer in relation to the work or labour of the workman.

Conditions similar to conditions (1) and (5) given above must be observed ; and the special provision for charges is that the charge under the contract does not exceed, in the case of materials or tools supplied to the workman, the actual or estimated cost thereof to the employer, or in the case of machinery, light, heat, or any other thing, a fair or reasonable rent or charge, having regard to all the circumstances of the case.



Under Section 4 it is a punishable offence for an employer to enter into a contract contrary to the Act, or to make any fine deduction or charge contrary to the Act.

The punishment of the guilty employer is not, however, any direct compensation to the workman who has been wrongly deprived of part of his wages. Section 5 gives a workman or shop-assistant the right to recover sums deducted by the employer contrary to the Act, provided that proceedings are commenced within six months from the date of the deduction. If the complainant has resisted the wrongful fine deduction or charge, then he can recover the whole of it. If, however, he consented to or acquiesced in the deduction, as many persons have to do if they dare not risk receiving immediate notice of dismissal, then he can only recover the excess of the fine, deduction, or charge over and above what the Court may find to have been fair and reasonable, having regard to all the circumstances of the case.

There are certain provisions in Section 6 for securing the administrative success of the Act. The inspectors of factories or of mines can make a written demand for the production of contracts purporting to operate under the Act, and an employer must comply with this demand and allow the inspector to make a copy of any contract so produced. A copy of any such contract or of the notice containing its terms must also be given to any workman or shop-assistant on his becoming a party to it. A workman or shop-assistant who is a party to any such contract is entitled, on request, to obtain from his employer, free of charge, a copy of the contract or of the notice containing its terms. The employer must keep a register of these fines, deductions, and charges, and in the case of a fine must specify in the register the amount and the nature of the act or omission in respect of which the fine was imposed. This register must at all times be open to inspection by the inspectors of factories or of mines.

The Secretary of State may by order exempt any trade or business from the operation of the Act if he is satisfied that the provisions of the Act are unnecessary for the pro-

tection of the workmen employed therein. Cotton weavers and miners in iron-mines in certain areas have been included in exemption orders (Section 9).

**Payment of Wages in Public-houses.**—A short Act of the year 1883 is usually and conveniently included with the Truck Acts, namely, the Payment of Wages in Public-houses (Prohibition) Act, 1883. The payment of miners' wages in public-houses had been prohibited as early as 1842, and this prohibition is continued in existing legislation as to Mines (see p. 239 and p. 243). The Act of 1883 extends the prohibition to any workman, as defined by a clause which follows substantially the wording of the definition in the Employers and Workmen Act, 1875.

The Act exposes to a penalty any person who contravenes or fails to comply with or permits any person to contravene or fail to comply with the Act. Apparently a publican who is aware of the contravention of the Act in his house is liable to a penalty.

A master cannot shelter himself behind his subordinates, as the Act provides that in the event of any wages being paid by any person in contravention of its provisions for or on behalf of any employer, such employer shall himself be guilty of an offence against the Act, unless he proves that he had taken all reasonable means in his power for enforcing its provisions and to prevent such contravention.

**The Shop Club Act, 1902.**—Somewhat analogous to the legislation against truck is the Shop Club Act, 1902. The importance of this Act has been much diminished by the passing of the National Insurance Act, 1911, which had the practical effect of making most shop clubs choose between becoming Approved Societies or becoming extinct.

Under Section 1 it is an offence under the Act if an employer makes it a condition of employment (a) that any workman shall discontinue his membership of any friendly society, or (b) that any workman shall not become a member of any friendly society other than the shop club or thrift fund.

Under Section 2 it is an offence under the Act if an employer makes it a condition of employment that any

workman shall join a shop club or thrift fund unless such club or fund is registered under the Friendly Societies Act, 1896, and certified by the Registrar of Friendly Societies.

Certification is not to be granted unless the Registrar is satisfied : (a) That such club or fund is one that affords to the workman benefits of a substantial kind, in the form of contributions or benefits at the cost of the employer in addition to those provided by the contributions of the workman ; (b) that the club or fund is of a permanent character, and is not a society that annually or periodically divides its funds ; and that no member of such club or fund shall, except in accordance with Section 6 of the Act, be required to cease his membership in such club or fund upon leaving the firm with which such club or fund is connected.

The Registrar must also take steps to ascertain the views of the workmen, and must be satisfied that at least 75 per cent of the workmen desire the establishment of the club or fund, and must consider any objections they may make to the certification.

Under Section 3 certain regulations contained in the Schedule to the Act are applied to any certified shop club or thrift fund. They are ordinary rules for management, accounts, and dissolution, and the only special point that need be noted is the provision for a valuation once at least in every five years of the assets and liabilities of the society, including the estimated risks and contributions.

Under Section 5 nothing in the Act is to prohibit compulsory membership of any superannuation fund, insurance, or other society already existing for the benefit of the persons employed by any railway company, to the funds of which such company contributes.

Under Section 6, where a workman, by the conditions of his employment, is a member of a shop club, he has, upon his dismissal from, or upon leaving his employment, unless contrary to the rules of the club, the option of remaining a member or of having returned to him the amount of his share of the funds of the club to be ascertained by actuarial calculation ; but every such member who exercises the option to remain a member of the club is not, so long as he remains

out of such employment, to be entitled to take any part in the management of the club, or to vote in respect thereof.

The expression shop club or thrift fund means every club and society for providing benefits to workmen in connexion with a workshop, factory, dock, shop, or warehouse.

**The Truck Acts and other Legislation.** — Legislation connected with wages must necessarily pay regard to the provisions of the Truck Acts, and must make it clear whether the Truck Acts are to operate or not. Thus under the Trade Boards Act, 1909, the minimum wage must be paid clear of all deductions, so that fines and deductions which may be lawfully made under the Truck Acts can only be deducted from the amount by which the worker's wages are in excess of the minimum wage, and in the case of a worker earning the minimum wage and no more, no deductions can be made.

Other legislation expressly provides for the exclusion of the Truck Acts. Thus in the sections of the Coal Mines Regulation Act, 1887, which relate to checkweighing, it is provided that if the majority of the workmen who are liable to contribute to the wages of the checkweigher so agree, the owner or manager may retain the agreed contribution of all the workmen, notwithstanding the Acts relating to truck. Again, Section 77 of the Coal Mines Act, 1911, which under certain circumstances compels a mine-owner to give accommodation and facilities for taking baths and drying clothes, and divides the cost between the employer and the workmen, provides that the owner is to be entitled to recover contributions from the workmen liable to contribute by deduction from their wages, notwithstanding the provisions of any Acts relating to truck.

Contributions in respect of the National Insurance Act, Part I., paid by an employer on behalf of a workman, are within the exceptions of the Truck Act, 1831, but to make doubly sure, Section 4 of that Act makes them recoverable by means of deductions from wages, notwithstanding the provisions of any Act to the contrary.

An employer's contributions on behalf of his workmen under Part II. of the same Act may similarly, under Section

85, be recovered by deductions from the workman's wages, notwithstanding the provisions of any Act to the contrary.

**The Hosiery Trade.**—This is the only trade which now has the benefit of a special Truck Act of its own. The Hosiery Manufacture (Wages) Act, 1874, begins by reciting that a custom has prevailed among the employers of artificers in the hosiery manufacture of letting out frames and machinery to the artificers employed by them, and that it is desirable to prohibit such letting of frames and machinery, and the stoppage of wages for frame rents and charges in the hosiery manufacture. It then proceeds to enact (by Section 1) that in all contracts for wages the full and entire amount of all wages, the earnings of labour in the hosiery manufacture, shall be actually and positively made payable in net, in the current coin of the realm, and not otherwise, without any deduction or stoppage of any description whatever, save and except for bad and disputed workmanship.

By Section 2 all contracts to stop wages, and all contracts for frame rents and charges, between employers and artificers, are declared illegal, null, and void.

By Section 3 if any employer bargains to deduct, or deducts, directly or indirectly, from the wages of any artificer in his employ any part of such wages for frame rent and standing or other charges, or refuses or neglects to pay the same or any part thereof in 'the current coin of the realm,' he shall forfeit a sum of £5 for every offence, to be recovered by the said artificer or any other person suing for the same in the County Court in the district where the offence is committed, with full costs of suit.

Section 4 penalises the artificer who allows a frame or machine entrusted to him by his employer to be worked, used, or employed, without the consent in writing of such employer, in the manufacture of any goods or articles whatever for any other person.

Under Section 5 no action, suit, or set off between employer and artificer is to be allowed for any deduction or stoppage of wages, nor for any contract declared illegal by the Act.

**Pending Legislation.**—In 1906 a departmental Com-

mittee of the Home Office was appointed to consider the working of the Truck Acts, and its Report issued in 1908 (Cd. 4442) contains much valuable information. The main part of the Report is concerned with the working of the Act of 1896 and of the exceptions to the Act of 1831. The Committee presented a majority and minority report. The majority report consisted of thirty-two recommendations, of which the following seem the most important : (a) That the whole law on the subject of Truck and Fines and Deductions should be consolidated with the amendments indicated ; (b) that the Truck Acts should be extended to outworkers ; (c) that fines should be totally abolished in the case of young persons of sixteen and under in all employments ; (d) that the maximum fine or accumulation of fines in any one week permissible by law should not exceed 5 per cent of the wages of the workman for the week ; (e) that the deduction for or payment of a fine should be made only in the week in which it is imposed, and that no claim for arrears of fines should lie ; (f) that employers who maintain the system of fining should furnish to the district inspector of mines and factories, as the case may be, a copy of the fine-agreement, and, when required, a return of the fines imposed on their employees ; (g) that where it is shown that a bonus is liable to be withheld, as a punishment for unpunctuality, breaches of discipline, etc., the Court should have power, after considering all the circumstances of the case, to decide whether a bonus is used by the employer as a means of evading the requirements of the Statute, and in the event of its deciding that it is so used to convict the employer ; (h) that in respect of deductions for bad or negligent work, etc., Section 2 of the Act of 1896 should be repealed, and the matter be left to be regulated under the provisions suggested as to fines and the ordinary Common Law rights of the parties ; (i) that in respect of materials, no charge should be allowed in respect of materials, such as glue, thread, paste, twine, etc., which go into the substance of the fabric or product ; (k) that in respect of the use of tools (as distinguished from the sale of tools by the master to the worker), machinery, standing room, light, heat, etc., no charges should be allowed, the alteration of

conditions thus produced being left to find its economic adjustment in wages rates, and the employer to have power to sue for any loss occasioned to him by the misapplication or loss of tools, etc. ; (l) that in respect of rent no deductions should be allowed, the matter being left to be dealt with by free contract, entirely separate from the contract of employment.

The minority report accepted recommendations (b), (i), (k), (l), but could not concur in the maintenance either of the system of fines or the system (under the title of fines) of deductions for bad work, etc.

A Consolidating and Amending Act, based on the Report of the Departmental Committee, was promised for the 1914 Parliamentary Session, but the Bill was not even introduced.

## CHAPTER VII

### MINIMUM WAGE LEGISLATION

THE English law on this subject is contained in two Acts of Parliament, viz. the Trade Boards Act, 1909, and the Coal Mines (Minimum Wage) Act, 1912. These two Acts have certain features in common, but these lie chiefly on the surface. In principle, and as actually administered, they present great differences. The Trade Boards Act has for its object the prevention of sweating in trades or branches of a trade in which the prevailing rate of wages is exceptionally low, as compared with that in other employments. The Coal Mines (Minimum Wage) Act does not deal with a trade in which the rate of wages is exceptionally low, but with one in which the conditions of the underground workers are exceptional in other ways.

The term 'sweating' is not itself a legal term in the United Kingdom, nor is there any use in actual legislation of the phrase, 'a living wage,' or of any equivalent phrase. It is not within the scope of this book to discuss minimum wage legislation in general, and readers who are interested in comparative legislation on this subject should consult *Minimum Wage Legislation* by Miss Andrews, a reprint from Appendix III. of the Third Report of the New York State Factory Investigating Commission. It may, however, be helpful to point out that the British Acts have no such restrictive clause as the following enactment, which is taken from the Minimum Wage Law of Victoria: "Where any determination made by a Special (Wages) Board is being dealt with by the Court (of Industrial Appeals), such Court shall consider



whether the determination appealed against has had or may have the effect of prejudicing the progress, maintenance of, or scope of employment in the trade or industry affected by any such price or rate (of wages) ; and if of opinion that it has had or may have such effect, the Court shall make such alterations as in its opinion may be necessary to remove or prevent such effect, and at the same time to secure a living wage to the employés in such trade or industry who are affected by such determination." The points here raised would naturally receive consideration by an English Trade Board, and by the Board of Trade (which has certain powers of delay), but such consideration is not expressly made part of their legal duties.

The Trade Boards Act raises many more questions than the Coal Mines (Minimum Wage) Act, and will be described and discussed in some detail. The latter Act can then be dealt with more shortly.

**Scope of the Trade Boards Act.**—The 1st Section of the Act makes it apply to the trades specified in the Schedule to the Act, and to any other trades to which it has been applied by provisional order of the Board of Trade. The trades or branches of trade capable of inclusion by provisional order are those as to which the Board of Trade is satisfied that the rate of wages prevailing therein is exceptionally low as compared with that in other employments. The procedure by provisional order is described on pp. 21-22.

By inference the trades to which the Act originally applies without provisional order are trades in which the prevailing rates of wages were exceptionally low. They are as follows :

(1) Ready-made and wholesale bespoke tailoring, and any other branch of tailoring in which the Board of Trade consider that the system of manufacture is generally similar to that prevailing in the wholesale trade.

(2) The making of boxes or parts thereof made wholly or partially of paper, cardboard, chip, or similar material.

(3) Machine-made lace and net-finishing and mending or darning operations of lace-curtain finishing.

(4) Hammered and dollied or tommied chain-making.

Though the Act applies to the scheduled trades, yet the scope of the operations of each particular Trade Board is limited by the regulations which actually establish the Trade Board. The making of these regulations is assigned to the Board of Trade. Thus in the case of the tailoring trade the regulations of the Board of Trade, dated April 27, 1910, restricted the determinations of the Tailoring Trade Board to "those branches of the Ready-made and Wholesale Bespoke Tailoring Trade in Great Britain *which are engaged in making garments to be worn by male persons.*"

In pursuance of the power given by the schedule to the Board of Trade, there were subsequently included, "those branches of the Bespoke Tailoring Trade in Great Britain which are engaged in making garments to be worn by male persons, in which at least three persons or two female persons (in both cases exclusive of cutters and trimmers) are engaged in making one garment."

By the Trade Boards Provisional Orders Confirmation Act, 1913, the following trades were scheduled, viz. confectionery and food preserving, shirt-making, hollow-ware, and embroidery.

The scope of the Act at the present time may best be gathered from a list of the Trade Boards as at present constituted by regulations of the Board of Trade.

The following Trade Boards are now in existence :

(1) A Trade Board for the hammered and dollied or tommied section of the chain trade.

(2) A Trade Board for that branch of the lace trade which is engaged in machine-made lace and net finishing other than the finishing of the product of plain net machines, but including the finishing of hair nets, veilings, and quillings, whether made on plain net or other machines. This is known shortly as the Lace-Finishing Trade Board.

(3) Trade Boards for that branch of the box trade which is engaged in the making of boxes or parts thereof made wholly or partially of paper, cardboard, chip, or similar material.

There is one Trade Board for Great Britain and another for Ireland.

(4) Trade Boards for those branches of the ready-made and wholesale bespoke tailoring trade which are engaged in making garments to be worn by male persons, and for those branches of the bespoke tailoring trade which are engaged in making garments to be worn by male persons, and in which at least three persons or two female persons (in both cases exclusive of cutters and trimmers) are engaged in making one garment.

There is one Trade Board for Great Britain and another for Ireland. These are known shortly as the Tailoring Trade Board (Great Britain) and the Tailoring Trade Board (Ireland).

(5) Trade Boards for the branches of trade covered by the Trade Boards (Sugar Confectionery and Food Preserving) Order, 1913, that is to say, the making of sugar confectionery, cocoa, chocolate, jam, marmalade, preserved fruits, fruit and table jellies, meat extracts, meat essences, sauces and pickles ; the preparation of meat, poultry, game, fish, vegetables, and fruit for sale in a preserved state in tins, pots, bottles, and similar receptacles ; the processes of wrapping, filling, packing, and labelling in respect of articles so made or prepared, excluding the covering and filling of biscuits, wafers, and cakes with chocolate or sugar confectionery.

There is one Trade Board for Great Britain and another for Ireland. These are known shortly as the Sugar Confectionery and Food Preserving Trade Board (Great Britain) and the Sugar Confectionery and Food Preserving Trade Board (Ireland).

(6) Trade Boards for those branches of trade which are specified in the Trade Boards (Shirt-making) Order, 1913, that is to say, the making from textile fabrics of shirts, pyjamas, aprons, and other washable clothing worn by male persons, excluding articles the making of which is included in paragraph 1 of the Schedule to the Trade Boards Act, 1909, and excluding articles which are knitted or are made from knitted fabrics, but which are not engaged in the making of handkerchiefs, neckties, scarves, mufflers, gloves, socks, stockings, spats, gaiters, hats, caps (other than chefs' caps and hospital ward caps), infants' millinery, baby

linen, and such articles of clothing as are made for children without distinction of sex.

There is one Trade Board for Great Britain and another for Ireland. They are known shortly as the Shirt-making Trade Board (Great Britain) and the Shirt-making Trade Board (Ireland).

(7) A Trade Board called shortly the Tin Box Trade Board (Great Britain) for the making of boxes and canisters from tin-plate, excluding the sealing of filled boxes and canisters with solder, and excluding the following branches of work, namely, the lining of packing-cases with tin-plate; the making of trunks, uniform-cases, suit- and dress-cases, bonnet and helmet boxes, cash and deed boxes, despatch boxes, letter boxes, kegs and drums; and any other branch of work which does not form part of the tin box and canister trade.

(8) A Trade Board called shortly the Hollow-ware Trade Board (Great Britain), for those branches of the hollow-ware trade which are engaged in the making of hollow-ware from sheet iron or sheet steel, including the processes of galvanising, tinning, enamelling, painting, japanning, lacquering, and varnishing.

The question of the selection of trades for scheduling under the Trade Boards Act is mainly an economic one. The only statutory rule is that the rate of wages must be exceptionally low. It must not be assumed that all sweated trades have been scheduled, or that the trades already scheduled constitute the most glaring instances of sweating. The omission of carding operations, such as button carding, is sufficient proof of the latter statement. It would appear that considerable regard has been paid to the question of foreign competition, and that in the trades so far scheduled, foreign competition is a matter of secondary importance.

There are certain economic points with regard to the scheduled trades which have a direct bearing on the character of the determinations and the internal machinery of the Trade Boards. Thus some of the Trade Boards are local, *e.g.* chain-making, net-finishing, hollow-ware, and

embroidery, while others are so widely spread that they may be termed universal trades.

This is the ground of distinction between Trade Boards without District Committees and Trade Boards to which District Committees are attached.

The trades also differ in the amount of skill required, *e.g.* chain-making, a great deal of confectionery, and food preserving, and nearly all box-making may be characterised as semi-skilled. Shirt-making and tailoring exhibit a great range of skill. This is reflected in the differences between the minimum rates fixed by the various Trade Boards.

Again, nearly all the trades, at any rate so far as women's labour is concerned, are piece-work trades, but they differ very materially in that while operations on certain commodities can be accurately described and piece-rates fixed for those operations, yet on other commodities this is very difficult. In some trades it has been found practicable to apply the parts of the Act which relate to general minimum piece-rates, while in other trades it has so far been found impracticable to do this. For instance, a given piece-rate for 'pressing' a particular garment is no indication by itself of what the equivalent time-rate is. The unknown factor is the amount of pressing required. Thus where two sets of garments are given out at different piece-rates for pressing, the lower piece-rate may very likely turn out to be more remunerative to the worker than the higher piece-rate.

In certain trades, such as chain-making and net-finishing, the ascertainment of a minimum time-rate has been merely a step in the ascertainment of a series of piece-rates; while in other trades, such as the tailoring trade, it seems as if the time-rate would be the permanent basis of working, and that no general piece-rates will be fixed.

**Constitution of Trade Boards.**—We may now proceed to the general scheme of the Trade Boards Act. Under Section 2 of the Act the first step is for the Board of Trade to establish a Trade Board, or, if advisable, more than one Trade Board, for any trade to which the Act applies or to any branch of work in the trade. A Trade Board is con-

stituted in accordance with regulations made by the Board of Trade under Section 19 of the Act.

**Trade Representation on Trade Boards.**—Under Section 11 of the Act, a Trade Board consists for the most part of trade representatives, referred to in the Act as ‘representative members,’ half of whom are members representing employers and the other half members representing workers. The Act provides by Section 13 that the other members of the Board, who are called appointed members, shall be less than half the total number of representative members, but in practice the appointed members form a very much smaller proportion of the total membership than one-third. The largest Board, the Tailoring Trade Board, consists of forty-four representative members and five appointed members. It is obvious, therefore, that if the representative members agree on any point their united will is supreme, and the functions of the appointed members, so far as they depend on voting, only arise when there are differences between the two sides of the Board. In the actual fixing of the minimum rates the appointed members have in general had to play a decisive part. On ancillary matters there has been a good deal of unanimity, and this is especially the case in matters of administration. When once a rate has been fixed it is to the interest of any employer who observes it, and so far the bulk of the employers in every trade have been most loyal to the rates fixed, to see that any employers who seek to evade it are brought into line. A good account of the functions of the appointed members of a Trade Board will be found in Mr. R. H. Tawney’s *Minimum Rates in the Chain-making Industry*, pp. 33-36.

**Ascertainment of Trade Opinion.**—For the ascertainment of trade opinion it is not enough that there should be trade representatives on the Board, there must also be some guarantee that the opinion of the trade as a whole is fairly represented. This depends for the most part on the skill shown by the Board of Trade in selecting representatives, but the following express provisions of Section 11 should be noted. Women are to be eligible as members as well as men. The representative members are to be elected or

nominated, or partly elected and partly nominated as may be provided by the regulations, and in framing the regulations the representation of home-workers on Trade Boards must be provided for in all trades in which a considerable proportion of home-workers are engaged.

In the more general trades, such as tailoring, even a large Trade Board with twenty-two members on each side might not be in touch with every interest in every locality. To meet this difficulty provision has been made by Section 12 for the establishment of District Committees. The Box-making Board for Great Britain has 9 District Committees, the Tailoring Board has 7 District Committees, the Shirt-making Board 4 District Committees, and the Sugar Confectionery, etc., Board has 5 District Committees.

The main function of District Committees is to keep the Trade Board in touch with local opinion. For this purpose they consist partly of members of the Trade Board and partly of persons not being members of the Trade Board, but representing employers or workers engaged in the Trade. Provision is made for the equal representation of local employers and local workers on the Committee, for the membership of at least one appointed member, and for the representation of home-workers where necessary.

A District Committee when established for any area must be given an opportunity to report to the Trade Board its views on any proposal to fix, vary, or cancel a minimum rate to have effect in its area, and the Trade Board cannot proceed to fix, vary, or cancel a rate without considering the report (if any) made by the Committee. The Act also enacts that it shall be the duty of the Committee to recommend to the Trade Board minimum time-rates, and, so far as they think fit, general minimum piece-rates, applicable to the trade in that area. In practice there is as much division of opinion as to the proper minimum time-rate between the two sides of a District Committee as between the two sides of a Trade Board, and as the final decision, where there is such a difference, lies with the appointed members, who do not all serve on each District Committee, it would be manifestly inconvenient to press matters to a



final issue at a District Committee. So far, District Committees, as a body, have not sent up any recommendations as to rates, but the Trade Board has been furnished with the views of the employers' side and the workers' side.

Besides this there is a power, of which a good deal of use has been made, for a Trade Board to refer to a District Committee for its report and recommendations any matter which they think it expedient so to refer; and a power, which at present has not been used, to delegate to a District Committee any of their powers and duties under the Act, other than the power and duty to fix a minimum time-rate or general minimum piece-rate.

The opportunity to have some voice in the fixing of rates is not, however, limited to these definitely constituted bodies, but is also given to all workers and employers affected by the proposal. Under Section 4 of the Act, before either a minimum time-rate or general minimum piece-rate is definitely fixed, the Trade Board must give notice of the rate which they propose to fix. Under regulations made in accordance with Section 18 of the Act, this notice consists of an advertisement in the London, Edinburgh, or Dublin *Gazette*; besides this a copy of the proposed determination is sent to every employer known to be affected by it, who must post up a sufficient number of true copies of it in prominent positions in every factory, workshop, or place used for giving out work, and in such manner as to ensure that the notice shall be brought to the knowledge of all workers employed by him who are affected thereby. It is also usual to supply the trade papers with information of the proceedings of the Trade Board. Further, the workers' side and the employers' side are in touch with a large proportion of the workers and employers in the trade. By these means every one concerned should know what is proposed to be done. For a period of three months it is open to any interested person to lodge objections to the rate, and the Trade Board must consider these objections. The Regulation as to Notices is given in full in Appendix II.

**Minimum Rates and their Operation.**—So far nothing has been said as to the rates which can be fixed by a Trade



Board and of their operation. Under Section 4 of the Act it is the duty of a Trade Board to fix minimum rates of wages for time-work for their trades (in the Act referred to as minimum time-rates). If a Trade Board reports to the Board of Trade that it is impracticable in a particular case to fix a minimum time-rate, the Board of Trade may, so far as respects that case, relieve the Trade Board of their duty. No case of impracticability has as yet arisen.

A Trade Board may also fix general minimum rates of wages for piece-work (in the Act referred to as general minimum piece-rates), and these rates of wages (whether time-rates or piece-rates) may be fixed so as to apply universally to the trade, or so as to apply to any special process in the work of the trade, or to any special class of workers in the trade, or to any special area.

In the Chain and Lace Boards considerable use has been made of this power to fix general minimum piece-rates for special processes. In the more universal trades, not only have no general minimum piece-rates been fixed, but there has been no differentiation as between either areas or processes, and the time-rates fixed have been universal, except that separate rates have been made for men and women, and for fully qualified workers and learners. Various points of interest involved in these decisions will be discussed later on.

A Trade Board may, if they think it expedient, cancel or vary any minimum time-rate or general minimum piece-rate, and must reconsider any such minimum rate, if the Board of Trade direct them to do so, whether an application is made for the purpose or not.

It will be seen later that besides the power here given to the Board of Trade to direct a Trade Board to reconsider a rate, there is also power given to the Board of Trade to suspend the full operation of the rate. In a sense the Board of Trade is a Court of Appeal from a Trade Board, but so far it has shown no disposition to interfere with the determinations of the various Trade Boards.

The power to vary rates seems likely to be largely used and increases in the rates originally fixed are already being made.

Where a minimum time-rate has been fixed, but no general minimum piece-rate is applicable, any employer has the right to make an application to the Trade Board to fix a special minimum piece-rate to apply as respects the persons employed by him, and the Board may cancel or vary any such rate either on the application of the employer or after notice to the employer, such notice to be given not less than one month before cancellation or variation of any such rate. Under Section 12 of the Act applications for special minimum piece-rates must, in the first instance, be referred to the standing sub-committee of a District Committee, presumably the committee of the district within which workers are to be employed. Certain match-box makers in the East End of London and one country firm in the tailoring trade have so far been the only applicants for special minimum piece-rates.

Under Sections 4 to 7 of the Act the stages in the history of a general minimum rate are as follows: First, a rate is proposed by the Trade Board. Notice of the proposal to fix is then given, and, as stated above, three months must be allowed in which objections to the rate can be lodged. Before actually determining the rate, the Trade Board must consider any such objections and any reports on the proposed rate which the District Committees may have made. The Trade Board are then free to fix the minimum rate, to take effect as from a given date inserted in the Board's determination. As from such date the minimum rate comes into limited operation. The period of limited operation comes to an end as soon as the Board of Trade has made the minimum rate obligatory by means of an order referred to in the Act as an obligatory order. The period of limited operation must be at least six months, and may be extended for further six-monthly periods by orders of the Board of Trade, referred to in the Act as orders of suspension. So far all the general minimum rates made by Trade Boards have been made obligatory at the end of six months.

During the period of limited operation the employer may contract himself out of his statutory obligation to pay the minimum rate by written agreements made with his workers. "In all cases to which the minimum rate is applicable an

employer shall, in the absence of a written agreement to the contrary, pay to the person employed wages at not less than the minimum rate, and in the absence of any such agreement the person employed may recover wages at such a rate from the employer " [Section 7 (1) (a)].

The only penalty on an employer who does not pay the minimum rate and has not protected himself by written agreements is this liability to pay the minimum rate, and this liability is enforceable, as in the case of any other wage contract, by civil proceedings. No employer is liable to be fined for an offence against the Act while the minimum rate is, as regards him, merely in limited operation.

The form of the last sentence indicates that a minimum rate as regards certain employers may be in limited operation, and as regards other employers may be obligatory. This complication arises from the very legitimate desire to bring about a voluntary acceptance of the minimum rate before the expiration of the period of limited operation, a voluntary acceptance which in certain trades is stimulated by the conditions laid down for the giving out of public contracts. These two points are thus dealt with in the Act : (1) Any employer may give written notice to the Trade Board by whom the minimum rate has been fixed, that he is willing that the rate should be obligatory on him, and in that case he is to be under the same obligation to pay wages to the person employed at not less than the minimum rate, and be liable to the same fine for not doing so as he would be if an order of the Board of Trade were in force making the rate obligatory [Section 7 (1) (b)] ; (2) No contract involving employment to which the minimum rate is applicable shall be given by a Government department or local authority to any employer unless he has given notice to the Trade Board in accordance with the foregoing provision. The latter provision may be suspended in case of any public emergency so far as regards Government contracts [Section 7 (1) (c)].

A Trade Board must keep a register of any notices of voluntary acceptance, and this register is usually called 'the white list.' The size of this list will vary in different trades. In the tailoring trade an enormous amount of work is given

out for clothing contracts for the Army, Navy, postmen, tramwaymen, and so on, with the result that many firms in the trade have to come on the white list at a very early date. In the lace trade, the confectionery trade, and others, these public contracts will be either non-existent or comparatively unimportant, but even in these trades it is not unreasonable to expect a certain number of good employers to come on the white list. As part of a compromise, the federated employers in certain trades undertook to advise their members not to enter into contracting-out agreements with their work-people.

All these matters are of importance when at the end of the six months' period of limited operation the Board of Trade has to make up its mind as to the making of the obligatory order. If, as a matter of fact, there is a long white list, or the bulk of the trade has not taken advantage of the provisions for contracting-out, the case for an obligatory order is very strong. As has already been stated, the Board of Trade has so far made no suspension orders increasing the periods of limited operation for the minimum rates already fixed.

The exact effect of the making of an obligatory order is as follows :

(1) Where any minimum rate of wages fixed by a Trade Board has been made obligatory by order of the Board of Trade, an employer is bound, in cases to which the minimum rate is applicable, to pay wages to the person employed at not less than the minimum rate, clear of all deductions, and if he fails to do so he is liable on summary conviction in respect of each offence to a fine not exceeding £20, and to a fine not exceeding £5 for each day on which the offence is continued after conviction therefor [Section 6 (1)].

(2) On the conviction of an employer for failing to pay wages at not less than the minimum rate to a person employed, the Court may, by the conviction, adjudge the employer convicted to pay, in addition to any fine, such sum as appears to the Court to be due to the person employed on account of wages, the wages being calculated on the basis of the minimum rate. The power to order the payment

of wages is not to be in derogation of any right of the person employed to recover wages by any other proceedings, as, for instance, under the Employers' and Workmen Act, 1875, or in the County Court [Section 6 (2)].

In the case of a prosecution it lies on the employer to prove, by the production of proper wages sheets or other records of wages or otherwise, that he has not paid, or agreed to pay, wages at less than the minimum wage.

When a minimum wage has been made obligatory, no agreement for the payment of wages in contravention to it is legal unless the worker has obtained a 'permit' from the Trade Board. The scope of these permits is strictly limited to the case of infirmity or physical injury. The following provisions apply to these permits :—

(a) The Trade Board must be satisfied that the applicant is employed or desiring to be employed *on time-work*, and is affected by some infirmity or physical injury which renders him incapable of earning the minimum time-rate.

(b) The Trade Board must be of opinion that the case cannot suitably be met by employing the worker on piece-work.

(c) If these conditions are fulfilled the Trade Board may, if it thinks fit, grant to the worker, subject to such conditions, if any, as they prescribe, a permit exempting the employment of the worker from the provisions of this Act rendering the minimum time-rate obligatory, and while the permit is in force, an employer shall not be liable to any penalty for paying wages to the worker at a rate less than the minimum time-rate so long as any conditions prescribed by the Trade Board are complied with [Section 6 (3)].

The power to grant permits has been successful in retaining in employment a certain number of persons who would otherwise have been thrown out of work, but the number of permits granted is a very minute proportion of the total number of workers engaged in any trade to which a minimum wage applies.

**Piece-workers under a Minimum Time-rate. Section 8.—** It has already been stated that in some of the scheduled trades the fixing of a minimum time-rate has only been a

step in the process of fixing general minimum piece-rates for the different operations of the trade, whilst in other trades of great importance it has so far been found impracticable to fix any general minimum piece-rates. As women and girls are employed in these trades on piece-work in large numbers, it is necessary to examine carefully the provision made by the Act for their case. Section 8 of the Act enacts that an employer shall, in cases where persons are employed on piece-work and a minimum time-rate but no general minimum piece-rate has been fixed, be deemed to pay wages at less than the minimum rate (*a*) in cases where a special minimum piece-rate has been fixed for persons employed by him, if the rate of wages paid is less than such special minimum piece-rate, and (*b*) in cases where a special minimum piece-rate has not been so fixed, unless he shows that the piece-rate of wages paid would yield, in the circumstances of the case, to an ordinary worker at least the same amount of money as the minimum time-rate. As the liability is on the employer to show that his piece-rates satisfy the conditions, it was not unreasonable to expect that employers would seek to protect themselves by applications for special minimum piece-rates. This expectation has not been realised. The main reason seems to be that the machinery for fixing a special minimum piece-rate involves the disclosure of details of wages paid, and work undertaken by the employer to persons who are or may be his trade competitors. His application is bound to go before the standing sub-committee of the District Committee as well as before the Trade Board. The difficulty already mentioned in respect of fixing general minimum piece-rates in certain trades does not apply with anything like so much force to these special minimum piece-rates, as an individual employer can submit samples and have his piece-rates fixed for these samples. Apparently it is the disclosure of business secrets that has rendered the provisions for special minimum piece-rates practically inoperative. Practically all the piece-workers are under Clause (*b*) of Section 8. This Clause raises some difficult questions. There is the question whether it does not leave a side door

open for sweating, because of the well-recognised effects of the piece-work system in speeding up the workers. There are other questions, such as the meaning of the phrase ordinary worker, and the best way to give effect in practice to any definition of that term that may be accepted. These latter questions have to some extent been solved as a matter of administration, and they will be considered first.

The term ordinary worker is not in any way defined in the Act. It is quite evident that ordinary worker does not mean every worker, for in that case the word ordinary would have been omitted. It is possible that it means all workers other than those affected by some infirmity or physical injury such as would enable them to apply for permits if they were working on a time-rate. But the presumption is that if this interpretation were correct some cross-references would have been made between Section 6 and Section 8 which would make the matter reasonably clear.

If we turn from the legal aspect to the practical point of view we find that as a fact the piece-work system allows an employer to give work to workers who, through natural slowness or through disinclination to exert themselves, could not profitably be employed on time-work at a standard rate of pay. There are of course limits to the employment of slow workers, as the standing charges for rent, machinery, etc., are as much for a slow worker as a fast worker, so that no employer will take on more slow workers than he can help. The interpretation that has been accepted by the Trade Boards, and by the Board of Trade in the background, but the correctness of which has not been tested in any Court of Law, is that in dealing with piece-workers the word 'ordinary' has been used to express the possibility of there being some slow or sub-ordinary workers engaged on piece-work whom an employer would not employ on time-work because they would not reach the ordinary standard of work which he would expect from a time-worker.

If piece-work were abolished, sub-ordinary workers who were not eligible for 'permits' would by hypothesis be discharged by the employer rather than be put on time-work. They are extra-ordinary workers because they owe



their engagement to the operation of the piece-work system.

When this position has been reached the practical question of how best to deal with it has not presented insuperable difficulties. It would clearly be very difficult for a Trade Board to base its administration on the examination and determination of individual cases. For instance, an inspector examines the wages books of a factory where a thousand women are doing tailoring on piece-work and finds that 50 are not earning 3½d. per hour. He could hardly investigate the personal qualities of each of the 50 with a view to determining how many of them were really sub-ordinary. The wages book will give him certain broad lines to go on. He may find that 25 out of the 50 are in one department of 100 workers, and the other 25 are proportionately divided between the remaining 900 workers. In the former case he will suspect that the piece-rates in the department do not comply with the Act, while in the latter case he may feel reasonably confident without individual examination that those who do not earn 3½d. an hour are slow workers.

But though the Trade Board may not care to deal with individual cases, yet, as a matter of law, it is open to any individual worker who does not on piece-work earn the minimum time-rate to claim to be an ordinary worker, and to take any proceedings to assert her rights which the Act allows. In such proceedings the obligation to prove that she was not an ordinary worker would be on the employer.

For administrative purposes the Trade Boards for the box-making and the tailoring trades have adopted a percentage resolution for women workers which in effect declares that as a general rule a piece-rate will be considered bad unless at least in the box trade 85 per cent and in the tailoring trade 80 per cent of the workers on that piece-rate earn the minimum time-rate. Each piece-rate stands by itself. The difference in the percentages no doubt is due to the fact that the minimum time-rate is a farthing per hour higher in the tailoring trade than in the box trade, and presumably in accordance with the definition of a sub-ordinary worker



already given there are likely to be more of them in the tailoring trade than in the box trade. The percentage was in the first instance largely a matter of guess-work, but experience tends to show that it bears a fair relation to actual facts.

The question remains as to how far a Board has legal power under the Act to make its determinations a real protection against sweating of the ordinary worker engaged on piece-work, where the only rate in force under the Act is a general minimum time-rate. The only apparent provision applicable to this case is Section 8, which compels an employer to pay such piece-rates as will yield the worker not less than the minimum time-rate. It may be gathered from the provisions of the Act with regard to general minimum piece-rates and special minimum piece-rates and from some of the evidence on which the Act was founded, that it was considered that the fixing of piece-rates under the Act was only a question of time and trouble, and that there were no insuperable difficulties in providing piece-rates for all piece-workers. If this is so, the provisions of Section 8 may be regarded as a temporary protection for piece-workers, and as such they are not open to serious criticism. It would appear, however, that in the box trade and the tailoring trade, and possibly in some of the trades recently scheduled, Section 8 is likely to be the only permanent protection of the piece-workers, and as such it presents certain difficulties. If the prevention of sweating were merely concerned with wages below a fixed amount, irrespective of the effort of the worker, then Section 8 would be right in principle ; if, on the other hand, the number of hours worked and the intensity of effort during the hours of work are both material factors in considering whether 'sweating' exists, then Section 8 seems inadequate. It is generally conceded that the strain on the operative must be regarded. Thus a worker who works 72 hours a week and earns 12s. would generally be considered, other things being equal, as more sweated than another worker who worked 54 hours and earned 11s. 3d., in spite of the higher earnings of the former. There does not seem to be any material difference if the first

worker is speeded up to do 72 hours' work in 54 hours. The rate of pay may seem higher, but the return for the worker's effort is just the same. The weakness of Section 8 is that it makes no allowance for the greater strain on the operative of piece-work as compared with time-work. There is a good deal of evidence obtainable as to the difference in effort put forth by a worker according as he is on time-work or piece-work. Amongst male workers in the engineering trades the usual assumption is that a man on piece-work should be able to earn "time and a quarter"; in other words, his piece-rate should enable him to earn his time-rate plus 25 per cent. Under Section 8 a piece-rate is considered adequate if it enables the worker to earn the bare time-rate. A comparison of the rates for miners fixed under the Coal Mines (Minimum Wage) Act, shows that piece-workers are invariably given a higher minimum than day-workers, the average excess being roughly 25 per cent. Nor is this difference merely confined to the case of male workers. The present writer has met with many similar instances amongst women cycle workers in the Midlands. Ordinary workers in the cycle trade whose time-rates are, say, 2½d. or 3d. per hour, object to piece-rates as unfair unless they yield them about 3d. or 4d. an hour. What has happened in the tailoring trade appears to be this. So large a proportion of the female workers are piece-workers that the time-rate fixed has been in the nature of a nominal rate so far as time-workers are concerned and of a real rate so far as piece-workers are concerned. The operations which cannot be remunerated by piece-work prices are for the most part simple in character, and can often be done by 'learners,' whose remuneration, as will be seen later, is at a lower rate. To protect piece-workers fully, where they are under the operation of Section 8, it is necessary to have a minimum time-rate which makes allowance for the extra strain on the operative when engaged on piece-work. There is one possible construction of Section 4, Subsection 1, which might obviate these difficulties. A Trade Board has power to make a different minimum rate for 'a special class of workers.' If workers who work on piece-rates can be held to be a special class of workers

distinct from time-workers, then it would apparently be possible for a Trade Board to fix a higher minimum time-rate for piece-workers than for time-workers. There is already a precedent for fixing a time-rate merely for the purpose of settling the remuneration of piece-workers. In the chain trade "first of all two time-rates were agreed upon, of which the first and lower was to be of merely provisional service for calculating the piece-rates to be paid upon the commonest quality of chain . . . the second was to be the legally enforceable minimum time-rate to be paid to time-workers . . ." (*Minimum Rates in the Chain-making Industry*, p. 43).

**Learners and Special Classes of Workers.**—Reference has already been made to the power of a Trade Board under Section 4, Subsection 1, to legislate for special classes of workers. It has been found necessary in every determination to make special provision for learners, and to have graded minimum time-rates for them based on age or experience or a combination of the two. In the case of women workers the general policy has been to make a graded scheme under which no learner who has not attained the age of 18 years is to be entitled to the full minimum time-rate. The power of treating learners as a separate class raises some interesting points on the legal power of a Trade Board to impose conditions as to the conduct of an employer's business. It is quite clear that whether it is desirable or undesirable for a Trade Board to have a power to impose such conditions the Trade Boards Act confers no express powers, and it is a matter of some difficulty to say how far it indirectly confers such powers. For instance, a Trade Board treats girls under 18 as learners, and sanctions the payment to them of lower wages. Would it be competent for them to attach a condition that these learners should only work 48 hours a week, as, for instance, by fixing a lower minimum rate for learners under the age of 18 years not working more than 48 hours a week and leaving other learners to come under the ordinary adult rate? Apparently not, because *a Trade Board can recognise and legislate for existing special classes of workers, but cannot create them.* Learners are an

existing class, while learners working only 48 hours would be in general a specially created class. On this principle it seems very doubtful whether it is competent for a Trade Board to say that a person under the age of 18 years must be a learner, irrespective of whether there is anything more for her to learn, in the ordinary sense of that term, about her work. A typical learnership scheme is given in Appendix II., and it will be noticed that paragraph (f) of Section (2), which says that no female learner shall be held to be entitled to the full minimum rate until she has attained the age of 18 years, by using the phrase 'female learner' incorporates the definition given in Section (3) of a female learner as a worker 'employed during the whole or a substantial part of her time in learning any branch or process of the trade.' This phraseology seems to recognise the possibility that a female worker under the age of 18 years not employed for a substantial part of her time in learning might be entitled to claim the adult rate, though the writer has heard the contrary opinion emphatically expressed. The matter of learnership conditions is not by any means a merely legal or academic question, but one of much practical and social importance in the tailoring trade on account of the subdivisional system, under which a process can be completely learnt in a few months, and in the box trade on account of a tendency to exploit juvenile labour and make it a 'blind alley' occupation. The further discussion of the matter from a social point of view would be outside the scope of this work. The point of legal importance is that if a special class of workers does in fact exist, such as learners engaged on learning a single process in an elaborate subdivisional system, then the Trade Board has power to make special provisions for such special class, but that apparently it cannot create special classes of workers, however desirable such a course might be from a social standpoint.

For a detailed survey of the problems raised by the Trade Boards Act, reference should be made to the Studies on the Minimum Wage which are being issued by the Ratan Tata Foundation of the University of London.

**Prevention of Evasion.**—There are certain minor matters specifically dealt with in the Act, and with these this summary of the provisions of the Act will conclude. Section 9 deals with the prevention of evasion, and is based on a somewhat similar clause in the Truck Acts (see p. 58). It enacts that any shop-keeper, dealer, or trader, who by way of trade makes any arrangement express or implied with any worker in pursuance of which the worker performs any work for which a minimum rate of wages has been fixed, shall be deemed to be the employer of the worker; and the net remuneration obtainable by the worker in respect of the work, after allowing for his necessary expenditure in connexion with the work, shall be deemed to be wages.

**Complaints by Workers and Inspection.**—Section 10 deals with complaints by workers. It enacts that any worker, or any person authorised by a worker, may complain to the Trade Board that the wages paid to the worker by any employer, in any case to which any minimum rate is applicable, are at a rate less than the minimum rate. The Trade Board is bound to consider the complaint, and may, if it think fit, take any proceedings under the Act on behalf of the worker. Before taking any proceedings on behalf of the worker a Trade Board may, and on the first occasion on which proceedings are contemplated by the Trade Board against an employer the Trade Board must, take reasonable steps to bring the case to the notice of the employer, with a view to the settlement of the case without recourse to proceedings.

Very few complaints from individual workers have come to hand, and nearly all the steps taken to enforce the Act have been based on inspectors' reports. Section 14 deals with inspection and enacts as follows:

The Board of Trade may appoint such officers as they think necessary for the purpose of investigating any complaints and otherwise securing the proper observance of this Act, and any officers so appointed are to act under the directions of the Board of Trade, or if the Board of Trade so determine, under the directions of any Trade Board. At the present time the staff of investigating officers or

inspectors acts for all the Trade Boards without distinction, and therefore it is impossible to place them under the directions of the different Trade Boards. The Chairman of all existing Trade Boards is the same person, and the investigating officers act on his instructions so far as investigation goes, but they cannot take legal proceedings without the sanction of the Board of Trade. Each Trade Board has an Administrative Committee for keeping the Trade Board in touch with matters of administration.

The Board of Trade may also arrange with any Government Department (*e.g.* the Home Office) for assistance being given in carrying the Act into effect, either generally or in special cases, by officers of that Department whose duties bring them into relation with any trade to which the Act applies.

By Section 15 any officer who is carrying the Act into effect has power for the performance of his duties—

(a) To require the production of wages sheets or other record of wages by an employer, and records of payments made to outworkers by persons giving out work, and to inspect and examine the same and copy any material part thereof ;

(b) To require any person giving out work and any outworker to give any information which it is in his power to give with respect to the names and addresses of the persons to whom the work is given out or from whom the work is received, and with respect to the payments to be made for the work ;

(c) At all reasonable times to enter any factory or workshop and any place used for giving out work to outworkers ; and

(d) To inspect and copy any material part of any list of outworkers kept by an employer or person giving out work to outworkers.

Penalties are imposed on any employer or other person who hinders or molests any officer in the exercise of his powers, or who knowingly produces false wages sheets, etc.

**Minimum Time-rates in Force.**—The following time-rates are now in force under various determinations. Where

rates have been varied, two rates may be in force at the same time, namely, the old rate under an obligatory order and the varied rate so far as effective during its period of limited operation. The rates for Ireland are given as well as for Great Britain where they differ.

No general minimum piece-rates are given because of their highly technical character, which renders them unintelligible except to persons in the trade concerned.

*Chain Trade.*— $2\frac{1}{2}$ d. per hour for women where the employer provides (in addition to iron) the workshop where the work is carried on, and the tools, and the fuel. From  $5\frac{1}{2}$ d. to  $7\frac{1}{8}$ d. per hour for men under similar conditions, the rate being graded according to the size of the iron which is operated on.

*Lace Trade.*— $2\frac{1}{2}$ d. per hour for women.

*Box Trade.*—3d. per hour for women (Great Britain).  $3\frac{1}{2}$ d. per hour is in the stage of proposal (September 1915).  $2\frac{1}{2}$ d. per hour for women (Ireland). 6d. per hour for men (United Kingdom).

*Tailoring Trade.*— $3\frac{1}{2}$ d. per hour for women (Great Britain).  $3\frac{1}{2}$ d. per hour for women (Great Britain) is in limited operation from July 19, 1915. 3d. per hour for women (Ireland). 6d. per hour for men (United Kingdom).

*Shirt-making.*— $3\frac{1}{2}$ d. per hour for women (Great Britain). In limited operation from July 5, 1915.  $3\frac{1}{2}$ d. per hour for women (Ireland). In limited operation from December 6, 1915.

*Sugar Confectionery, etc.*—3d. per hour for women (Great Britain). 6d. per hour for men (Great Britain). In limited operation from June 7, 1915.  $2\frac{1}{2}$ d. per hour for women (Ireland).  $5\frac{1}{2}$ d. per hour for men (Ireland). In limited operation from September 13, 1915.

*Wrought Hollow-ware.*—3d. per hour for women (Great Britain).  $5\frac{1}{2}$ d. per hour for men (Great Britain). In limited operation from January 1, 1916.

*Tin Boxes and Canisters.*— $3\frac{1}{2}$ d. per hour for women (Great Britain). 6d. per hour for men (Great Britain). In limited operation from November 29, 1915.

**The Coal Mines (Minimum Wage) Act, 1912.**—This Act was passed to settle the coal strike of that year. A strike of miners throughout the coal districts of Great Britain began in the last week of February with the object of obtaining certain minimum wages, which varied from district to district. It naturally produced much inconvenience to



trade, though the available stock of coal and gas was larger than had been anticipated. The Government introduced their Bill for the determination of minimum wages for miners on March 19. It became law on March 29 in practically the form in which it was introduced.

Its main provision was that it should be an implied term in every contract for the employment of a workman underground in a coal mine that the employer should pay to the workman wages at not less than the minimum rate to be settled under the Act, and applicable to that workman, unless excluded from its scope by (a) old age or infirmity, or (b) non-compliance with the conditions regarding regularity and efficiency of work.

Joint Boards were to be set up in each of twenty-two districts mentioned in the schedule to the Act, for the purpose of settling the minimum rates and drafting the conditions for exclusion. Each Board is constituted on the same lines as a Trade Board, so far as the equal representation of employers and workers is concerned, but the neutral authority is somewhat differently constituted. Each Board has a Chairman with a casting vote, appointed by agreement between the two sides, and in default of their agreement by the Board of Trade. The Chairman is usually a single person, but there is power given to the Board of Trade to select three persons to act jointly as Chairman.

To secure elasticity of administration the Boards have power to subdivide or amalgamate their districts, and to make and revise special rates and special rules for special mines.

The minimum rates when fixed were to be retrospective to the date of the passing of the Act.

The only amendments carried which were of any consequence were two provisos. The first was that the fixing of minimum rates under the Act was not to prejudice the payment of higher wage rates under existing agreements or customs. The second was that the Boards were to have regard to the average daily rate of wages which had been paid. There was some ambiguity about the wording of this proviso, and some controversy as to its scope, but it



was understood that it was to be limited to the case of men paid by the day, and was not to be applied to piece-workers.

The Act provides for the variation of rates. This can be done at any time if there is agreement between the masters' side and the mens' side as to the proposed variation. If there is not agreement between the sides, and its occurrence is not very likely, then a rate once fixed stands for a minimum period of a year, together with a notice period of not less than three months. Notice of a desire to have a rate varied can be given by either masters or men, and it need not be the unanimous wish of either side, but it must be given by a group representing a "considerable body of opinion."

The Act was to expire at the end of three years, from March 29, 1912, unless renewed. It has since been renewed under the Expiring Laws Continuance Acts.

The debates in the House of Commons were of some importance. The Labour Party pressed for the inclusion in the Act of a definite schedule of wages. When this was defeated they sought to obtain a general minimum of 5s. a day for adults and 2s. a day for boys. The House of Commons, however, refused to become a direct tribunal for the settlement of wages, and rejected this latter amendment. Most people will agree that the House of Commons is a body singularly unfitted for the settlement of wage questions in detail.

The rates actually fixed vary considerably from district to district. The minimum wage for day workers is as a general rule slightly below 5s. per day, being 4s. 9½d. in the important districts of South Wales and Northumberland, and 4s. 9d. in Durham. The 2s. per day for boys was generally conceded. The piece-rates varied more or less in proportion to the day-rates, the average being a little over 6s.

The district rules as to exclusion are in many cases quite stringent; for instance, in Northumberland piece-workers over 57 years of age are not entitled to the minimum fixed, and 1 day's absence without excuse deprives the absentee

of the right to the minimum wage for a whole fortnight. An article in the *Economic Journal* for September 1912 may be consulted for further details.

There has been at least one variation of rates after the lapse of the prescribed period, and after notice from the workers' side.

*Note.*—Further evidence as to the relationship of piece-rates to time-rates in the case of women (see p. 87) will be found in the Addenda at the beginning of the book.

## CHAPTER VIII

### EMPLOYERS' LIABILITY FOR ACCIDENTS

NOTHING is more characteristic of modern industry than the risks to which it exposes the work-people engaged in it. As will be seen presently, a large share of the burden of supporting men injured at their work has been placed on the shoulders of employers, who have therefore a direct pecuniary interest, apart from their humanitarian feelings, in keeping down the number of serious accidents. The Insurance Companies, by whose agency the burden of responsibility for accidents is rateably distributed over the whole body of insuring employers, are keen to detect slackness on the part of employers and wilful misconduct and malingering on the part of workmen. The Home Office, with its special inquiries, its reports from inspectors and certifying surgeons, and its special rules for dangerous occupations, is always seeking to reduce the preventable causes of accidents. In spite of all this a very large number of accidents continue to occur, and it can only be concluded that a large proportion of these are not preventable, in the sense that given workers that are human and, therefore, sometimes careless or inattentive or tired, given modern machinery and processes, it is inevitable that from time to time something will go wrong and some one will be injured.

Statistics are available for seven groups of industry, viz. shipping, factories, docks, mines, quarries, constructional work, and railways. In these industries in the year 1913 there were 3748 cases in which compensation was paid for

fatal accidents, and 476,920 cases in which compensation was paid for disablement.

If allowance is made for accidents not covered by legislation and for accidents in industries other than the seven groups mentioned above, 600,000 accidents to workmen per annum is a low estimate. Further statistics are given at the end of the chapter.

### THE COMMON LAW POSITION

The common law did not concern itself with accidents as such, but only with accidents as consequences of some one's negligence. If A was negligent, and as a consequence B was injured, A had his common law remedy against B and could get damages. B also had a right to damages if A's negligence injured his cow or his wheelbarrow, and in fact claims for personal injury were at a disadvantage, as the common law had a rule that personal claims died with the aggrieved person, so that a special Act of Parliament (the Fatal Accidents Act, 1846) had to be passed to deal with cases of fatal accidents arising from negligence.

The common law did not hesitate to impose liability on a master for an accident to his servant arising out of the master's personal negligence. But with an ever-increasing complexity of mastership the master was less and less brought into contact with his men, and the question of liability for personal negligence became less and less important, and in the case of incorporated companies personal negligence has disappeared altogether, as the company is only a legal person and not a natural person. As, however, there are still some circumstances in which masters can conceivably be guilty of personal negligence from which accidents to their workmen arise, the common law position cannot be passed over. The duty of the employer is to provide proper and efficient machinery, a proper system of working, and reasonably competent workmen. Thus a master who supplied rotten planks or unsafe tackle, or who put an untrained man where a skilled man was essential, would be liable for an accident to a workman arising out of

his negligent breach of duty. But a master does not warrant that his servants shall never be careless or inattentive ; and the carelessness of a reasonably competent workman which results in injury to a fellow-workman cannot be regarded as a breach by the master of this personal duty of careful selection so as to make the master liable for it. A master must take reasonable care to protect one servant from the risk of negligence on the part of his fellow-servants by associating him only with persons of ordinary care and skill, but the master's responsibility does not go beyond that. In one sense the master does not even guarantee ordinary care and skill, as it is sufficient if the servant selected is apparently of ordinary care and skill, as persons may be presumed to be if engaged through the ordinary trade channels. Thus in a case (*Tarrant v. Webb*, 18 C.B. 797) in which a workman had been injured through the failure of the scaffolding on which he was working, a failure due to the foreman's negligence, it was held that the master was not liable if he neither *personally* interfered with its erection nor *knowingly* employed an unskilful and incompetent person to erect it, and that it was a misdirection to the jury to ask them if the person employed was incompetent, as that fact by itself was not decisive of the master's responsibility.

Apart from personal negligence of this limited nature, the master had no liability for accidents occurring to his servants in the course of their work. These accidents for which the master was not liable fall into two classes—(a) those which are due to a fellow-servant's negligence, and (b) those not attributable to negligence at all. As to the latter class, the common law on principle gave no remedy. The common law was concerned with negligence and not with accidents as such. As to the former class the common law had a great deal to say, though it was of little or no help to the workman. Its view on this point is known technically as "the doctrine of common employment." This doctrine draws a sharp distinction between a man's liability for his servant's negligence according as the injured person is a stranger or another of his servants. In general, the acts of

a servant when on his master's business rank in law as the acts of the master. Thus if a chauffeur on his way to call for his master negligently rides a person down, the master is liable for the chauffeur's act. The Courts were not prepared to extend this to the case of one servant being injured by the negligence of another servant. The ground for this distinction was a supposed bargain by the servant on entering the employment to run the risk of carelessness on the part of his fellow-servants. This bargain was of course as purely imaginary as the much more famous 'social contract' of the political philosophers. The whole problem and the common law solution of it was stated in the following terms in the leading case on the subject (*Hutchinson v. York etc. Railway Company*, 5 Exch. 343). "Put the case of a master employing A and B, two of his servants, to drive his cattle to market; it is admitted, if, by the unskilfulness of A, a stranger is injured, the master is responsible; not so if A by his unskilfulness hurts himself: he cannot treat that as the want of skill of his master. Suppose, then, that by A's unskilfulness B, the other servant, is injured while they are jointly engaged in the same service; there, we think, B has no claim against the master; they have both engaged in a common service, the duties of which impose a certain risk upon each of them, and in case of negligence on the part of the other, the party injured knows that the negligence is that of his fellow-servant and not of his master. He knows when he was engaged in the service that he was exposed to the risk of injury not only from his own want of skill and care, but on the part of his fellow-servants also, and he must be supposed to have contracted on the terms that as between himself and his master he would run that risk."

This at least must be said for the common law, that having adopted the doctrine of common employment, it kept it within bounds by the adoption of two limitations, viz. (a) that there must be a common master as well as a common undertaking, and (b) that there must be an undertaking that is really common to both the servants.

It is quite usual for the work on an undertaking to be

subdivided so that one employer has a contract for part of the work, and one or more employers have contracts for the rest. If, for instance, two employers, A and B, have their men at work on one building, A's servant may have an action against B for injury arising from the negligence of B's servant.

As to the necessity for a real common service, the following extracts from leading cases will make the position plain: In the case of *Bartonshill Company v. McQuire*, 3 McQ. 307, it was said, "It is necessary in each particular case to ascertain whether the servants are fellow-labourers in the same work, because although a servant may be taken to have engaged to encounter all risks which are incident to the service which he undertakes, yet he cannot be expected to anticipate those which may happen to him on occasions foreign to his employment. Where servants, therefore, are engaged in different departments of duty, an injury committed by one servant upon the other by carelessness or negligence in the course of his peculiar work is not within the exception, and the master's liability attaches in that case in the same manner as if the injured servant stood in no such relation to him. There may be some nicety and difficulty in particular cases in deciding whether a common employment exists, but in general, by keeping in view what the servant must have known or expected to have been involved in the service which he undertakes, a satisfactory conclusion may be arrived at." In the case of *McNaughton v. The Caledonian Railway Company*, 19 Ct. Sess. Cas. 273, and 21 *Ibid.* 160, illustrations were given of 'different departments of duty.' "A dairy-maid is bringing home milk from the farm, and is carelessly driven over by the coachman. A painter or a slater is engaged at his work on the top of a high ladder placed against the side of a country house, and is injured by the carelessness of the gardener, who wheels his barrow against the ladder and upsets it. A clerk in a shipping company's office is sent on board a ship belonging to the company with a message to the captain, and he meets with injury by falling through a hatchway which the mate has carelessly left unfastened, though apparently closed. In such and similar cases it could hardly

be contended that the rule would apply." In the first case quoted illustrations were given of different operations which yet could fairly be said to be in the same department of duty. "It is not necessary that the workman causing and the workman sustaining the injury should both be engaged in performing the same or similar acts. The driver and the guard of a stage-coach, the steersman and the rowers of a boat, the workman who draws the red-hot iron from the forge and those who hammer it into shape, the engineman who conducts a train and the man who regulates the switches or the signals, are all engaged in the common work. And so in this case, the man who lets the miners down into the mine, in order that they may work the coal and afterwards brings them up, together with the coal they have dug, is certainly engaged in a common work with the miners themselves. They are all contributing directly to the common object of their common employer in bringing the coal to the surface."

But the injured workman who desires a remedy at common law is not out of his difficulties even if his claim cannot be successfully met by the doctrine of common employment. The employer has still two lines of defence. The first is that the workmen knew of the risk and voluntarily accepted it. The second is that the workman contributed to his injury by his own negligence.

The first of these defences is shortly expressed in the Latin maxim, 'Volenti non fit injuria.' In the leading case on the subject (*Smith v. Baker*, 1891, A.C. 325) this maxim is said to be founded on good sense and justice, and is paraphrased in this sentence, "One who has invited or assented to an act being done towards him, cannot, when he suffers from it, complain of it as a wrong." But a clear distinction was drawn between knowledge and assent. "Where a servant has been subjected to risks owing to a breach of duty on the part of his employer the mere fact that he continues to work even though he knows of the risk and does not remonstrate does not preclude his recovering in respect of the breach of duty by reason of the maxim above." Here, again, we may use a phrase already quoted as to the possibility of 'some nicety and difficulty in particular



cases.' In the case in question the injured man was engaged in drilling holes in a rock. Other men were employed in removing stones by a crane which sometimes swung them over his head. No particular precautions were taken, but men who were drilling, if they saw the stones coming overhead, used to move away. The man in question had his attention fixed on his work and did not see the stone swinging over his head, which dropped and injured him. It was held that he could recover damages, as although he had continued in his employment with full knowledge and understanding of the danger, that was not conclusive to show that he had assented to it, so as to make the maxim given above applicable. The Court further said that the question whether a workman who knows of a risk has also undertaken the risk is one of fact and not of law.

It may be noticed here that the maxim, '*Volenti non fit injuria*,' is of general application, and is applicable to claims under an Act of Parliament such as the Employers' Liability Act, though not to a claim for a breach of statutory duties such as are imposed by the Factory Acts; in this latter case to allow the maxim to apply would obviously be against public policy, as it would enable the negligence of the employer and the assent of the servant to effect a partial repeal of an Act of Parliament.

The defence of contributory negligence on the part of the injured man himself is only successful when it can be shown that the workman could, by the exercise of such care and skill as he was bound to exercise, have avoided the consequences of the master's negligence.

We shall see when we come to consider the statutory rights of an injured workman that in return for more extensive rights Parliament has enacted a strict limitation of the amount that can be awarded as damages or compensation. The injured workman who, in spite of the intricacies of the common law, succeeds in getting damages against his master for negligence has at least this consolation, that the amount of the damages is subject to no special limitation, but only to the general limitation that applies to all damages in legal actions, namely, that they shall be reasonable in

amount, having regard to all the circumstances. The past earnings of the workman, the extent of his injuries, the suffering and disfigurement he has undergone, and possibly other matters, may be sympathetically considered by the jury in assessing the damages. As a consequence, damages in actions successfully brought by injured workmen under the common law as a general rule are considerably higher than those obtainable under their alternative statutory claims.

The special statutes passed in the interests of workmen injured at their work will be our next subject for consideration.

The first of these statutes is the Employers' Liability Act, 1880. No further experiment was made till 1897, when the first Workmen's Compensation Act was passed on lines which were entirely novel. Ultimately a very wide sweeping Compensation Act was passed in 1906, the importance of which was very great.

Procedure under this last Act is so much simpler than under the common law that there is an impression that common law claims are obsolete. This is not so. In one recent case it appeared that an inexperienced youth of 20 was put to work a machine which, though not defective, was dangerous. There was no foreman to instruct him in its use. It was held that it was the duty of the master to instruct the servant in the proper working of the machine and to warn him of its dangers, and that the master's omission to do this constituted negligence, for which he was responsible in damages (*Greenwood v. Greenwood*, 24 T.L.R. 24). Again, in a very recent case heard before the Privy Council it was admitted that the workman was injured through the negligence of a fellow-servant, but the workman's answer was that the employer had not taken proper precautions to employ proper servants; and as he was able to prove this to the satisfaction of the Court, the claim for common law damages was allowed (*Jones v. Canadian Pacific Railway Company*, 29 T.L.R. 773).

## THE EMPLOYERS' LIABILITY ACT, 1880

The object of the Employers' Liability Act, 1880, was to put an end to the doctrine of common employment in cases of personal injury caused to a workman in five specified sets of circumstances. The claim under the Act is based on negligence, and though a master can no longer raise the defence of common employment, it is still open to him to shelter himself, where he can, behind the maxim '*Volenti non fit injuria*,' or to prove contributory negligence on the part of the workman. The Act establishes a maximum compensation based on the earning capacity of the workman, and it does not forbid agreements between the master and the workman excluding the workman from the benefit of the Act. A workman, as defined by the Act, means any person to whom the Employers and Workmen Act, 1875, applies (see p. 3), and also a railway servant.

The right of action given by Section 1 of the Act to the workman is "the same right of compensation and remedies against the employer as if the workman had not been a workman of, nor in the service of, the employer, nor engaged in his work." In a case in the Court of Appeal it was said, "The Act, with certain exceptions, has placed the workman in a position as advantageous as, but no better than, that of the rest of the world who use the master's premises at his invitation on business."

**Scope of the Act.**—The Act, by virtue of Sections 1 and 2 combined, covers personal injury to the workman caused—

(1) By reason of any defect in the condition of the ways, works, machinery, or plant connected with or used in the business of the employer, due to such negligence as is mentioned later.

(2) By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him whilst in the exercise of such superintendence.

(3) By reason of the negligence of any person in the

service of the employer to whose orders or directions the workman at the time of the injury was bound to conform, and did conform, where the injury resulted from his having so conformed.

(4) By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or bye-laws of the employer, or in obedience to particular instructions given by any person delegated with the authority of the employer on that behalf, where the injury results from some impropriety or defect in the rules, bye-laws, or instructions, or

(5) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, points, locomotive engine, or train upon a railway.

The following points should be noted in respect of the first item in this list. Machinery or plant is defective either when it is in bad condition or if it is unfit for the purpose for which it is intended to be used. Thus a rope may be in perfect condition, but yet not strong enough for its purpose, so that the selection of this particular rope for the job shows negligence. In the case quoted above (p. 101) to illustrate the maxim '*Volenti non fit injuria*,' it was said that an arrangement of machinery and tackle which although reasonably safe for those engaged in working it (*i.e.* the men who were moving the stones) was nevertheless dangerous to workmen employed in another department of the business (*i.e.* the men drilling holes in the rock) constituted a defect in the condition of the works. It is not expressly mentioned that the defect must be due to negligence, but a separate section deprives the workman of compensation unless the defect arose from or had not been discovered or remedied owing to the negligence of the employer or of some person in his service, and entrusted by him with the duty of seeing that the ways, works, machinery, or plant were in proper condition.

**Special Defence.**—Section 2, Subsection 3, of the Act creates a special statutory defence available for the employer in any case where the workman knew of the defect or negli-

gence which caused his injury, and failed within a reasonable time to give, or cause to be given, information of it to the employer or some person superior to himself in the service of the employer, unless he was aware that the employer or such superior already knew of the defect or negligence.

**Maximum Compensation.**—The amount of compensation recoverable under the Act by Section 3 is not to exceed the estimated earnings, during the three years preceding the injury, of a person in the same grade employed during those years in the like employment and in the district in which the workman is employed at the time of the injury.

**Notice of Claim, etc.**—An employer is liable to be prejudiced in meeting a claim for injuries made against him by a workman if he does not have early notice of the fact of injury. The recollection of what actually happened becomes dim and confused, and the persons concerned may have left the employment. While this is certainly so, on the other hand it is equally true that in many cases the seriousness of the accident calls the attention of the master at once to the circumstances, and there is no real need for any formal notice of the accident at all apart from the initial steps of the actual legal proceedings. There should be therefore a certain elasticity in the necessary provisions as to notice of claims. Unfortunately the Act of 1880, being the first attempt at this kind of legislation, is much too rigid in its provisions, with the result that many claims have been defeated on purely technical grounds. Its provisions should be contrasted with those contained in the Workmen's Compensation Act (p. 116). Under Section 4 an action for the recovery of compensation under the Act is not maintainable unless notice that injury has been sustained is given within six weeks, and the action is commenced within six months from the occurrence of the accident, or in case of death, within twelve months from the time of death. The only exception is that in the case of death the want of notice shall be no bar to the maintenance of the action if the judge is of opinion that there was reasonable excuse for the want of notice. Under Section 7 the notice that injury has been sustained must be a written notice, and must

state in ordinary language the cause of the injury and the date at which it was sustained, and must be duly served on the employer, either by delivery at his residence or place of business, or by sending it to him in a registered letter.

A judge has no power to excuse failure to give notice within the six weeks, but he can treat a notice as valid in spite of defects and inaccuracies unless he is of opinion that the employer is prejudiced in his defence by the defect or inaccuracy, or that the defect or inaccuracy was for the purpose of misleading.

Proceedings for the recovery of compensation are to be brought in a County Court (Section 6).

#### WORKMEN'S COMPENSATION ACTS, 1897 AND 1906

So far as accidents arising from negligence are concerned, the Employers' Liability Act fairly covered the ground, and within the limit of three years' wages the whole burden of the workman's loss fell on the employer. But the Act made no provision for injuries resulting from accidents in which there was either no element of negligence, or none that could be fairly attributable to the master. As we have seen, these accidents are very numerous, may be regarded as largely inevitable, and as ordinary incidents of modern industrial methods, and yet the whole burden of them was borne by the injured workman. In 1897 it was recognised that the burden might to some extent be considered a cost of production and be borne partially by the employer, and the Workmen's Compensation Act, 1897, was accordingly passed, embodying that principle, and applying it experimentally to such sections of industry as exposed workers to the greatest risks of accident. It applied to employment in or about a railway, factory, mine, quarry, or engineering work, and certain building operations. The Act was valuable as an experiment, but the line of demarcation adopted by it was not a happy one, and in 1906 it was replaced by an Act based on the same principles but of a much wider scope, namely, the Workmen's Compensation Act, 1906. A study of the definitions contained in the various statutes

making up industrial legislation before this date shows that this legislation was almost entirely confined to manual labour. Industry is mainly dependent on manual labour, but to confine the use of that word to the operations of manual workers would be considered unduly narrow, and industrial legislation which protected no one but manual workers is necessarily incomplete. The Workmen's Compensation Act, 1906, was the first important statute to recognise this, and to provide for the protection of the industrial classes as a whole. In this respect it has been followed by the National Insurance Act, 1911, Part I. From 1906 onwards the phrase 'industrial legislation' acquires a new meaning.

The details of the Act of 1906 require careful attention.

**Persons included under the Act of 1906.**—With certain exceptions, the Act includes within its scope "any person who has entered into or works under a contract of service or apprenticeship with an employer, whether by way of manual labour, clerical work, or otherwise, and whether the contract is expressed or implied, is oral or in writing."

The exceptions fall into five classes: (a) Any person employed otherwise than by way of manual labour whose remuneration exceeds £250 a year; (b) a person whose employment is of a casual nature, and who is employed otherwise than for the purposes of the employer's trade or business; (c) a member of the police force; (d) an outworker, meaning by that term a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the materials or articles; (e) a member of the employer's family dwelling in his house (Section 13).

These exceptions do not require explanation, but it should be carefully noted that under (b) the worker is only excluded if both conditions are satisfied. It is not enough that he is a casual worker, he must also be employed for some non-trade or non-business purpose. The most striking instance of casual labour coming within the Act which the



writer can recall was as follows: A workman was on his way home from work in the middle of the day when he was asked by the foreman on a building contract to lend a hand for a few minutes in getting a girder from the road into the building, and remuneration of some sort was promised him. The man agreed to help, and while giving it the girder slipped and fell on his foot, incapacitating him from work for some time. No employment could very well have been of a more casual nature, but as it was for the purposes of the builder's business, the injured man was certainly not shut out from the benefit of the Act.

**Basis of Claim.**—As has already been indicated, the basis of a claim is not the negligence of the employer or of his servants, but the fact that "personal injury by accident, arising out of and in the course of the employment, is caused to a workman" (Section 1). The terms of this clause have given rise to a very large number of legal decisions, but before dealing with the interpretation of the clause in the light of those decisions as shortly as practicable, it will be simplest to record the two classes of injuries which are exceptions.

**Excepted Injuries.**—(a) Injuries which do not disable the workman for a period of at least one week from earning full wages at the work at which he was employed [Section 1 (2) (a)].

(b) Injuries proved to be attributable to the serious and wilful misconduct of the workman himself, and not resulting in death or serious and permanent disablement [Section 1 (2) (c)].

These exceptions are attempts to distribute the burden of accidents fairly between employer and workman from a social point of view, there being by hypothesis no existing legal liability on the master to pay compensation. In the first case (the accident of slight duration), we must bear in mind that a five days' absence means that on no pay-day will the workman be absolutely without wages, and, if the workman has any reserve at all, that he cannot be seriously inconvenienced. 'De minimis, lex non curat.' About very little things the law does not care. We may compare with



this the three days' waiting period under Part I. of the National Insurance Act and the six days' waiting period under Part II. of the same Act.

As regards the effect of serious and wilful misconduct, by which is meant something more grave than negligence, the underlying thought seems to be that where the disablement is not serious and permanent, the total loss of wages is a fair punishment for the man's behaviour, but where serious and permanent disablement ensues, the loss of the half wages that the workman in any case suffers is a sufficient punishment without further addition. Moreover, in the case of accidents with serious consequences the man may be well looked after in a hospital or infirmary, while the hardship is being borne by his innocent family. It is impossible to lay down briefly any very useful interpretation of serious and wilful misconduct, but one judge has said that it must be at least an act for which immediate dismissal would be justifiable.

There are two phrases in the basis of claim which are of the utmost importance in construing its meaning, the words 'injury by accident' and the phrase 'arising out of and in the course of the employment.' There have been many cases decided on these points, and it would be beyond the scope of this book to examine them with any minuteness, but it may be helpful to indicate broadly the accepted construction to be put upon them.

**Meaning of Accident.**—An injury by accident is an injury which occurs fortuitously and unexpectedly, and though it usually results in some external injury, yet it also covers internal injuries. Thus a rupture caused by lifting heavy planks or turning the wheel of a machine may be an injury by accident.

It has also been held that sunstroke incurred in painting the side of a ship is an accident. But diseases which develop gradually, and of which the moment of attack cannot be defined, are not accidents. Thus a man who was working in sewer gas and who developed enteritis was not allowed compensation as for an accident. So also a man who proved that he was suffering from a strained heart, not

as the result of an unusual effort, but from continued muscular overstrain. But slight accidents which lead to serious illnesses are grounds for compensation. Thus where a miner cut his knee while mining, and dirt got into the cut and set up blood poisoning, the miner was entitled to compensation during his illness.

Also, if the injured man has some weakness so that the slight accident has extraordinarily serious consequences, so long as there is an accident it is a case for compensation. Thus where a man was suffering from an aneurism of the aorta, and in tightening a nut with a spanner died from the exertion, which was admitted to have been in no way out of the ordinary, it was held that he was entitled to compensation. It was laid down that 'if the employment is one of the contributing causes, without which the accident would not have happened, and if the accident is one of the contributing causes without which the injury would not have followed, compensation is payable' (*Hughes v. Clover Clayton & Co.*, 1910, A.C. 242).

But there must be some proof that there was an accident in the shape of a strain or other unexpected event. Thus in a case where a man died from apoplexy at work, and there was no evidence that the man had died from strain or from other than natural causes, no compensation was allowed; and so in another case where the man suffered from long-standing heart disease, and angina pectoris came on with fatal result while he was at work.

The accident need not be an accident to the workman so long as the injury of which he complains is due to the accident. Thus while a miner was at work in a pit an accident took place in a shaft which made it impossible for the workmen to use their usual exit from the pit. The miner accordingly was told to leave the pit by another shaft, where he had to wait an hour and a half before he could ascend. He had to wait in a cold place, and he had been sweating at his work. He caught cold, pneumonia supervened, and he died. The House of Lords held that there had been an accident interfering with the normal working of the mine. In consequence of that accident the man had

been exposed for a prolonged period to severe climatic conditions, and his illness was due to this exposure. His injuries were due to accident arising out of and in the course of his employment, and compensation was payable.

**Accidents arising out of the Employment.**—As for the words ‘arising out of and in course of the employment,’ it is quite clear that some such words must be inserted, as the employer’s liability cannot in fairness be extended beyond the circumstances of the employment. The cases on these words fall for the most part into two classes: (a) those in which it is uncertain whether the employment has begun or ended, and (b) those in which a workman during his work hours is exposed to some risk, either by conduct of his own or of some other person, which is not incidental to his work, and the injury results therefrom.

On the first point we may take it that where a workman on his journey to and from his work is exposed to no special risks, the employer is not liable for any accident which may befall him. Thus A is on his way to his work at the X factory, B is on his way to the Y factory, and C is going for a day’s fishing. A, B, and C travel by the same tram-car, and all of them are injured by an accident to the car. The employers of A and B are not liable to pay compensation. On the other hand, where special risks are incurred by the workman on his journey and an accident occurs, he can claim compensation. Thus where a farm labourer lived on the mainland, but worked from Monday morning to Saturday evening on a farm on an island two miles from the coast, the crossing to which was always dangerous for small boats, it was held that an accident which happened on his way home entitled him to compensation (*Richardson v. Morris*, 110 L.T. 496).

The special conditions of mining and of sailors on board vessels in port have given rise to many cases on the question whether employment has begun or ended, as the case may be, but a consideration of these decisions in detail would be beyond the scope of this book.

The second point is extremely important. An accident may happen when a man is *at work*, but yet it may not arise

out of his employment. It may, for instance, be the kind of accident which may just as well occur away from work. Thus a labourer threshing wheat was stung by a wasp, but it was held that the wasp sting was not a matter arising out of his employment. In another case a boy at a colliery threw a stone at another boy and seriously injured his eye. The Court held that there was no evidence that the risk to the boy of having stones thrown at him by his fellow-workmen was incidental to the employment. On the other hand, a foreman was acting for a firm of furniture removers and was violently assaulted by a man who had wanted to hire a van. The foreman died of his injuries, and in proceedings by his wife for compensation, evidence was given that the foreman had to deal with very rough men, and that assaults were not infrequent. The Court held that the foreman ran a special risk of assault incidental to his employment, and that the felonious act of another person may be an 'accident,' and that in this case the accident could be said to have arisen out of the employment (*Weakes v. Stead*, 30 T.L.R. 586).

But the most important construction of this phrase is that which has taken away the employers' liability in certain cases of misconduct. As we have already seen, even the 'serious and wilful misconduct' of the injured workman cannot be pleaded by the employer where serious and permanent disablement has resulted. But if the misconduct consists in doing something which formed no part of the duties for which the workman was engaged, then the accident cannot be said to have arisen out of his employment. "Where a workman disobediently or imprudently does something different in kind from anything he was employed to do, something which he was actually forbidden to do, and by so doing is injured, the accident does not arise out of the employment, and the question of misconduct is therefore not material" (*Barnes v. Nunnery Colliery Co.*, 1912, A.C. 44). In the case in which these words formed part of the judgment of the House of Lords, the accident had happened to a boy engaged in a mine who, against the rules, rode from his work in an empty tub instead of walking. In a subsequent case the House of Lords decided

that "it is not enough for a workman to prove that the accident would not have happened unless he had been engaged in his employment. He must go further, and show that the accident arose out of something that he was doing in the course of his employment or that the nature of his employment exposed him to a peculiar danger. A risk does not arise out of the employment when it is an added peril due to the conduct of the workman himself" (*Plumb v. Cobden Flour Mills Co.*, 1914, A.C. 62). In this case, to save himself trouble, the workman, from a shaft used for transmitting power, had improvised a pulley arrangement for lifting sacks of flour. The device broke down, and in trying to set it right the man was seriously injured. In an earlier case, decided by the Court of Appeal, it appeared that a workman climbed on to a hot-water tank to take a meal. He fell in and was badly burnt. The Court held that the accident did not arise out of his employment, as "he had no right to impose the risk on his employers by unnecessarily taking his meals in a dangerous and unauthorised place" (*Brice v. Edward Lloyd Co.*, 1909, 2 K.B. 804).

**Double Claim Injuries.**—It will be apparent from what has been said about an employer's liability for negligence at Common Law and under the Employers' Liability Act, 1880, that an injured workman may possibly have a claim on the ground of negligence and also a claim under the Workmen's Compensation Act. The Compensation Act expressly provides [Section 1 (2) (b)] that where the injury was caused by the personal negligence or wilful act of the employer or of some person for whose act or default the employer is responsible, nothing in the Act is to affect any civil liability of the employer, and the workman may, at his option, either claim compensation under the Act or take proceedings independently of it; but the employer is not to be liable to pay compensation both independently of and also under the Act.

In proceedings independently of the Act, there are always Court fees and other legal expenses to find in advance, and nothing is payable to the workman until he has actually

recovered judgment. He will probably want to wait some little time in order to see what the consequences of the injury are, and even when he has begun proceedings there will probably be at least six weeks to wait for the hearing. On the other hand, where it is admitted that there is a claim for compensation under the Act of 1906 (and admitted claims are roughly 98 per cent of the total claims), the workman knows that from the end of the first fortnight after the accident he will be in receipt of half his weekly wages. This furnishes a strong inducement to men who have small resources to accept compensation under the Act of 1906, even when they seem to have a claim independently of the Act, which, if carried through successfully, would ultimately yield them a larger lump sum by way of damages than their weekly compensation payment will amount to. Accordingly such a workman, if he is offered compensation under the Act of 1906, often accepts it without hesitation, and thereby abandons any claim he may have independently of the Act.

If, however, a workman has the courage and the resources to try his chance independently of the Compensation Act of 1906, he has not finally abandoned his claims under that Act, and subject to his possibly having to pay the extra costs to which he has put the employer, he can, if his proceedings to recover damages are unsuccessful, fall back on his rights under that Act, and have his claim assessed on that footing. "If within the time in this Act limited for taking proceedings, an action is brought to recover damages independently of this Act for injury caused by any accident, and it is determined in such action that the injury is one for which the employer is not liable in such action, but that he would have been liable to pay compensation under the provisions of this Act, the action shall be dismissed; but the Court in which the action is tried shall, if the plaintiff so choose, proceed to assess such compensation, but may deduct from such compensation all or part of the costs which, in its judgment, have been caused by the plaintiff bringing the action instead of proceeding under this Act" [Section 1 (4)].

**Formalities.**—The Act requires formal notice of an acci-

dent, but no definite time limit is laid down, and want of notice is freely excused. In practice in a very large proportion of cases the accident is of such a nature that it cannot well have escaped the employer's notice at the time, or an informal notice is given by the workman's application for half wages at the end of the first fortnight; or in other cases half wages are paid for some time on the basis of an informal notice, and then some dispute arises and the workman is driven to take proceedings to assert his rights; in these and other circumstances of a similar nature a formal notice has no particular utility. If, however, there is a genuine dispute as to the occurrence of the accident in question, or the accident has occurred but there is ground for believing that it did not arise out of and in the course of the employment, then in either case it may be most material for the employer to have definite and formal particulars of the claim. The Act provides for these widely divergent circumstances by the following requirements:

Proceedings for the recovery under the Act of compensation for an injury are not to be maintainable unless notice of the accident has been given as soon as practicable after its happening, and before the workman has voluntarily left the employment in which he was injured [Section 2 (1)].

The notice must give the name and address of the person injured, and must state in ordinary language the cause of the injury and the date at which the accident happened, and must be served on the employer [Section 2 (2)].

The want of, or any defect or inaccuracy in, such notice is not to be a bar to the maintenance of such proceedings if it is found in the proceedings for settling the claim that the employer is not prejudiced in his defence by the want, defect, or inaccuracy, or that the want, defect, or inaccuracy was occasioned by mistake, absence from the United Kingdom, or other reasonable cause; or if any prejudice to the employer can be removed by postponing the hearing, and serving a notice or an amended notice [Section 2 (1) (a)].

The actual claim for compensation with respect to such accident must be made within six months from the occurrence of the accident, or in case of death within six months from



the time of death. But the failure to make a claim within this period is not to be a bar to the maintenance of such proceedings if it is found that the failure was occasioned by mistake, absence from the United Kingdom, or other reasonable cause [Section 2 (1)].

**Proceedings.**—The 2nd Schedule to the Act deals with the form of proceedings, etc. Disputes arising under the Act are not settled by legal proceedings of the ordinary kind, but by a form of arbitration. Apparently it was at one time contemplated that committees would be appointed, representative of an employer and his workmen, with power to settle matters under the Act, and provision is accordingly made for disputes to be referred to the arbitration of such committees. There is a reference in the report of the Truck Committee (see p. 67) to Works Committees, but the writer has never come across such a Committee. In default of action by a Works Committee, the matter is to be settled by a single arbitrator agreed on by the parties, or in the absence of agreement by the judge of the County Court. Provision is made for the judge delegating his powers to a single arbitrator appointed by himself; but in practice disputes are commonly settled by the County Court judge himself, and the only material difference between an arbitration before him and an ordinary hearing is that there is no provision for a jury, and the judge may, and in suitable cases usually does, summon a medical referee to sit with him as an assessor. There are no Court fees, and rules of Court prescribe a limit to the costs.

**Compensation.**—The scale and conditions of compensation are set out in the 1st Schedule to the Act. The main classification of accidents for this purpose is into fatal and non-fatal accidents. As not quite 1 per cent of accidents are fatal, non-fatal accidents will be dealt with first.

Total or partial incapacity for work is provided for by Par. 1 (b), and in these cases compensation takes the form of a weekly payment during the incapacity *not exceeding fifty per cent of the workman's average weekly earnings* during the previous twelve months, *such weekly payment not to exceed £1*. The loss of wage-earning power is the sole basis,



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and no allowance is made for suffering, disfigurement as such, expense of treatment, etc. If the workman has not been in the employment for twelve months, then the average for the period of service is taken. If the incapacity lasts less than two weeks, no compensation is to be payable in respect of the first week. For this reason it is very usual to make no payment until a fortnight has elapsed.

Where the workman is under 21 years of age he is entitled during total incapacity, if his average weekly earnings are 10s. a week or less, then to the whole of such earnings ; if his average weekly earnings are more than 10s. but not more than £1, then to 10s. a week ; and if his average weekly earnings exceed £1, then to half his earnings (but not exceeding £1 per week).

The Act provides specially for the computation in cases of difficulty of average weekly earnings, but the only point that need be noticed here is that where the workman has two or more employments running concurrently, his average weekly earnings are to be computed as if all his earnings were earnings in the employment of the employer for whom he was working at the time of the accident. This is only what is to be expected when it is remembered that the basis of compensation is the loss to the workman of wage-earning power ; on the other hand, the employer is protected by the limit of £1 a week as the maximum compensation [Par. 2 (b)].

It sometimes happens that a man recovers partially and goes back to partial work. In the case of partial incapacity the weekly payment can in no case exceed the difference between the amount of his average weekly earnings before the accident and the average weekly amount which he is earning or is able to earn in some suitable employment or business after the accident, but is to bear such relation to the amount of that difference as under the circumstances of the case may appear proper. If there are no special circumstances, it may be taken for granted that the judge would allow half the difference (Par. 3).

**Commutation of Weekly Payments.**—So long as total incapacity lasts the injured workman can go on drawing

his half wages (*a*) until he *voluntarily* commutes them for a lump sum of money by agreement with his employer, or (*b*) until the employer has continued the weekly payments for not less than six months and has then decided to pay a lump sum instead. This decision can only be arrived at by the employer.

(*a*) *Voluntary Commutation*.—Experience has shown that many working-people have no idea of the relative values of a weekly payment during incapacity and a lump sum of money paid down, and that unless some special protection is afforded them, they are very likely to make bad bargains. This protection is afforded (*a*) by making compulsory the registration with the Registrar of the County Court of a memorandum of the agreement for compensation, and (*b*) by giving power to the Registrar to refuse to record the memorandum in certain circumstances.

“An agreement as to the redemption of a weekly payment by a lump sum, if not registered in accordance with the Act, shall not, nor shall the payment of the sum payable under the agreement, exempt the person by whom the weekly payment is payable from liability to continue to make that weekly payment, unless he proves that the failure to register was not due to any neglect or default on his part” (2nd Schedule, Par. 10).

“Where it appears to the Registrar of the County Court, on any information which he considers sufficient that an agreement as to the redemption of a weekly payment by a lump sum ought not to be registered by reason of the inadequacy of the sum, or by reason of the agreement having been obtained by fraud or undue influence, or other improper means, he may refuse to record the memorandum of the agreement sent to him for registration and refer the matter to the judge, who shall make such order as under the circumstances he may think just” [2nd Schedule, Par. 9 (*d*)].

The judge has a similar power, within six months after a memorandum of agreement has been recorded in the register, to order that the record be removed on proof to his satisfaction that the agreement was obtained by fraud or undue influence, or other improper means [2nd Schedule, Par. 9 (*e*)].

(b) *Commutation by the Employer*.—If the incapacity of the workman is permanent, so that he is disabled for the rest of his life and is in reality an annuitant, the weekly payment can only be commuted if the employer is willing to pay such a lump sum as would, if invested in the purchase of an immediate life annuity from the National Debt Commissioners through the Post Office Savings Bank, purchase an annuity for the workman equal to 75 per cent of the annual value of the weekly payment.

If the incapacity, although it has lasted six months, is not permanent the amount is settled, like any other matter in dispute, by arbitration under the Act [1st Schedule, Par. 1 (17)].

**Compensation in Case of Death** [1st Schedule, Par. 1 (a)].—The amount awarded as compensation in case of the death of the injured workman varies according as (a) the workman leaves any dependants wholly dependent upon his earnings, or (b) leaves dependants in part dependent upon his earnings, or (c) leaves no dependants.

(a) If the workman leaves any dependants wholly dependent upon his earnings, the compensation is to be a sum equal to his earnings in the employment of the same employer during the three years next preceding the injury (or 156 times the average weekly earnings if the period of employment is less than three years), with a minimum limit of £150 and a maximum limit of £300. The employer may deduct as sums paid on account any weekly payments made or any lump sum paid in redemption of such weekly payment.

(b) If the workman only leaves dependants in part dependent upon his earnings, the compensation is to be such sum not in excess of the above amounts as may be agreed upon or may be determined by arbitration to be reasonable and proportionate to the injury to the dependants.

(c) If the workman leaves no dependants, the compensation is to be the reasonable expenses of his medical attendance and burial, not exceeding £10.

The definition of 'dependants' is given in Section 13 of the Act, and the term means 'such of the members of the workman's family as were wholly or in part dependent

upon the earnings of the workman at the time of his death, or would but for the incapacity due to the accident, have been so dependent, and where the workman, being the parent or grandparent of an illegitimate child, leaves such a child so dependent upon his earnings, or being an illegitimate child, leaves a parent or grandparent so dependent upon his earnings, the term includes such an illegitimate child, parent, or grandparent as the case may be.'

Posthumous children can be included amongst dependants, and this ruling will be extended to an illegitimate posthumous child if there is sufficient evidence of paternity. 'Member of a family' means wife or husband, father, mother, grandfather, grandmother, step-father, step-mother, son, daughter, grandson, granddaughter, step-son, step-daughter, brother, sister, half-brother, half-sister.'

**Industrial Diseases as Accidents.**—Perhaps the most striking feature of the Act of 1906 was the application of its provisions, by Section 8, to workmen suffering from the industrial diseases mentioned in the 3rd Schedule to the Act.

(a) *Diseases included.*—These diseases are (1) anthrax, arising from the handling of wool, hair, bristles, hides, and skin; (2) lead-poisoning or its sequelæ; (3) mercury poisoning or its sequelæ; (4) phosphorous poisoning or its sequelæ; (5) arsenic poisoning or its sequelæ; and (6) ankylostomiasis, arising from mining. The Secretary of State was authorised to make Orders for extending the provisions as to these industrial diseases to other diseases and other processes, and by an Order dated May 22, 1907, eighteen other diseases were scheduled. Seven of these were other forms of poisoning and five were special diseases of miners. A further Order was made on December 2, 1908, and these Orders have been consolidated and extended by an Order of July 30, 1913, under which twenty-one diseases beyond those enumerated in the 3rd Schedule are now within the provisions of Section 8. This Order of July 30, 1913, will be found in Appendix III.

(b) *Conditions under which Compensation is payable.*—A workman is entitled to compensation under the Act as if his disease were a personal injury by accident arising out of

and in the course of his employment, (a) if there is evidence that he is or has been suffering from a scheduled disease, and (b) if the disease is due to the nature of any employment in which the workman was employed at any time within the twelve months previous to the date of his disablement.

Under the terms of the Act any of the following circumstances constitutes a sufficient proof of the disease, namely, (1) that the certifying surgeon appointed, under the Factory and Workshop Act, 1901, for the district in which the workman was employed, has certified that the workman is suffering from a scheduled disease, and is thereby disabled from earning full wages at the work at which he was employed; or (2) that the workman has been suspended, in pursuance of some special rule or regulation under the Factory and Workshop Act, 1901, from his usual employment on account of having contracted any such disease; or (3) that the death of the workman has been caused by any such disease.

(c) *Special Modifications.*—The provisions as to accidents apply to diseases subject to certain modifications, of which the following may be noticed:

(1) The disablement or suspension from work is to be treated as the happening of the accident.

(2) If it is proved that the workman has at the time of entering the employment wilfully and falsely represented himself in writing as not having previously suffered from the disease, compensation is not to be payable.

(3) The compensation is to be recoverable from the employer who last employed the workman during the preceding twelve months in the employment to the nature of which the disease was due.

(4) The amount of the compensation is to be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable.

(5) An appeal from the certifying surgeon's decision lies at the instance of either the workman or the employer to a medical referee, whose decision is to be final.

With regard to the third modification, it should be noticed that the Act contains provisions for bringing in

(a) a previous employer as a substitute for the last employer on proof that the disease was in fact contracted whilst the workman was in the employment of the previous employer; or (b) if the disease is of such a nature as to be contracted by a gradual process, any employer or employers who during the preceding twelve months employed the workman in the employment to the nature of which the disease was due, for the purpose of getting fair contributions towards the compensation payable. These adjustments do not concern the injured workman, except that he is bound to furnish the last employer with such information as to the names and addresses of all the other employers who employed him during the preceding twelve months as he may possess.

**Contracting out.**—The main scheme of the Act of 1906 has been set out above, but there are several points of considerable practical importance which deserve attention. The first of these is the question of 'contracting out.' The Employers' Liability Act, 1880, contained no specific enactment on the point, and the House of Lords decided that in the absence of direction on the matter an employer and workman were free to make a bargain that the Act should not apply to their contract. The general line taken by the Act of 1906 (Section 3) is to prohibit contracting out unless the employer has a sound scheme of his own which is at least as generous to the workman as the Act itself. In practice the only employers in a position to avail themselves of this limited right to contract themselves out of the Act are certain large employers of labour who had had previous experience of the administration of General Accident Funds.

Apart from an approved scheme as an alternative to the scheme of the Act, "this Act shall apply, notwithstanding any contract to the contrary made after the commencement of the Act."

Approved alternative schemes have to comply with the following conditions. The Registrar of Friendly Societies, after taking steps to ascertain the views of the employer and workmen, must certify (a) that the scheme of compensation, benefit, or insurance for the workmen provides scales of compensation not less favourable to the workmen

and their dependants than the corresponding scales of the Act itself; (b) that where the scheme provides for contributions by the workmen, the scheme confers benefits at least equivalent to those contributions, in addition to the benefits to which the workman would have been entitled under the Act of 1906; and (c) that a majority (to be ascertained by ballot) of the workmen to whom the scheme is applicable are in favour of such scheme. Further, no scheme is to be certified which contains an obligation upon the workmen to join the scheme as a condition of their hiring, or which does not contain provisions enabling a workman to withdraw from the scheme.

The Act also contains provisions for insuring that a certified alternative scheme of benefit continues to conform to the conditions laid down, and is being fairly administered. Particulars of the 107 certified schemes in existence on December 31, 1913, will be found in Appendix III.

**Subcontracting.**—The Act (Section 4) also deals specifically with the difficulties raised by the practice of employers of getting part of the work for which they are responsible done by other employers under subcontracts. Where there has been subcontracting, and an accident occurs on or about the premises on which the principal contractor has undertaken to execute the work, or which are otherwise under his control, to a person in the employ of the subcontractor, it may well happen that there may be some doubt as to whether the principal contractor is liable, or the subcontractor working for him. If the workman is pursuing his remedy under the common law or the Employers' Liability Act, 1880, the risk of taking proceedings against the wrong person has to be faced by the workman, and even if he takes proceedings against both and succeeds against one he would have to pay the costs of the other. As he has little or no opportunity of knowing the exact terms of the relationship between the principal contractor and subcontractor, he is very much at a disadvantage. The Act of 1906 gets over this difficulty by making, with one exception, the principal contractor liable to pay the compensation to the workman, but reserving to the principal contractor a right to be



indemnified by the subcontractor, where a case for such indemnification can be established. But with this part of the proceedings the workman has no direct concern. The amount of compensation is calculated with reference to the earnings of the workman under the subcontractor.

The one exception is where the contract relates to threshing, ploughing, or other agricultural work, and the subcontractor provides and uses machinery driven by mechanical power for the purpose of such work. In such a case the subcontractor is alone liable, under the Act of 1906, to pay compensation to any workman employed by him on such work.

**Bankruptcy of Employer.**—The operation of the ordinary rules in bankruptcy, under which a claimant for compensation would only get a dividend on his claim along with trade and other creditors, would be manifestly unfair. In the first place, in nine cases out of ten the employer will have insured himself against his liability to pay compensation, and the benefit of that insurance can be given to the injured workman without in any way prejudicing the rights of ordinary creditors, and, in fact, if the workman's claim can be provided for under the policy, his claim as a creditor is no longer in competition with the claims of ordinary creditors. The Insurance Company cannot complain, as there is no reason to release them from their liability because the employer has become bankrupt. The Act (Section 5) accordingly provides that where any employer has entered into a contract with any insurers in respect of any liability under the Act to any workman, then in the event of the employer becoming bankrupt or making a composition or arrangement with his creditors, or if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability are to be transferred to and rest in the workman, but the insurers are not to be under any greater liability to the workman than they would have been to the employer. If under this proviso the liability of the insurers is less than the workman's claim against his employer (in other words, if the employer was only



partially insured), the workman may prove for the balance in the bankruptcy or liquidation.

In the second place, there remains the case of the injured workman whose employer was not insured and has become bankrupt. If such an employer owes wages and salaries to his workmen and clerks, the law of bankruptcy gives them a right to be paid up to a certain limit in priority to ordinary creditors. The claim for compensation can fairly be said to be analogous to a claim for wages or salary, and the Act accordingly provides that where the employer has not entered into any such contract with insurers as has already been dealt with, the amount, not exceeding in any individual case £100, due in respect of any compensation under the Act, is to be included amongst the debts which, in the distribution of the property of a bankrupt and in the distribution of the assets of a company being wound up, are to be paid in priority to all other debts.

**Remedy against both Employer and Stranger.**—It may happen that an accident arising out of and in the course of the servant's employment has been caused by the negligence of some third person under circumstances which create a legal liability in some person other than the employer to pay damages in respect of it. Thus a chauffeur and his employer driving in one motor-car may be injured by a collision with another motor-car due to the negligent driving of the latter car. If the employer can get damages against the person responsible for the negligence, so also can the chauffeur. But the chauffeur, being injured in his master's service, can if he please claim compensation under the Act of 1906. The Act (Section 6) preserves the workman's double claim, but he is not entitled to recover both legal damages and compensation under the Act of 1906. If he prefers to take the compensation, then the person by whom the compensation is paid is entitled to be indemnified by the person liable to pay legal damages.

**Application to Workmen in the Employment of the Crown.**—The Act does not apply to persons in the naval or military service of the Crown, but it does apply to persons employed in Government factories and workshops or royal

establishments, and generally to workmen employed by or under the Crown, to whom the Act would apply if the employer were a private person (Section 9).

**Obligation to make Returns.**—Under Section 12 of the Act every employer in any industry to which the Secretary of State may direct that the section is to apply, must, on or before such day in every year as the Secretary of State may direct, send to the Secretary of State a correct return, specifying the number of injuries in respect of which compensation has been paid by him under the Act during the previous year, and the amount of such compensation, together with such other particulars as to the compensation as the Secretary of State may direct.

The present regulations as to these returns are contained in S. R. and O., 1913, No. 1092, and are set out in Appendix III.

**Statistics.**—The following statistics as to the operation of the Workmen's Compensation Act, 1906, and the Employers' Liability Act during the year 1913 are taken from a Home Office return (Cd. 7, 669).

In the seven industries of shipping, factories, docks, mines, quarries, constructional work, and railways, a gross total of 7,509,353 persons were employed, and amongst these in the year 1913 there were 3748 fatal cases of accident and 476,920 non-fatal cases, and the total compensation paid amounted to £3,361,650.

The amount of compensation per person employed per annum was very unevenly distributed amongst these industries. For all the industries together the amount was 8s. 11d. Arranged by industry and in order, the figures are as follows: mines, 24s. 3d.; docks, 24s.; shipping, 15s. 2d.; constructional work, 13s. 3d.; quarries, 10s. 2d.; railways, 8s. 5d.; factories, 5s.

Individual employers do not as a rule bear the risk of accident, but insure their liability with an Employers Association, a Mutual Indemnity Society, or an Insurance Company. The cost of administration is apparently about 50 per cent on the compensation paid, so that the total charge upon the seven industries was not less than £5,000,000.

In over 91 per cent of the cases compensation was payable for two weeks or over, so that in these cases compensation was payable for the whole duration of the incapacity (see p. 118). About 5 per cent of the cases involved disablement for over three months, and about  $1\frac{1}{2}$  per cent disablement for over six months.

Out of the 476,920 non-fatal cases, 28,330 received a lump sum by way of settlement. In 15,305 cases the lump sum was accepted as full compensation, and no weekly payments were made. Of the balance, 7985 voluntarily agreed to commutation before the six months of weekly payments had expired, while 5040 cases were commuted after that period had expired. Only a very small proportion of these 5040 cases were actually settled by arbitration. (The total number of awards of lump sums by the Courts in all occupations was 346.)

These 13,025 cases of redemption of weekly payments required registration in the County Courts as a condition of their validity (see p. 119), but only 9953 of them were so registered.

The figures for industrial diseases are as follows : fatal cases, 27 ; disablement cases, 8233. At the end of 1913 there were 1514 cases which had been disabled for more than one year. The total compensation paid to the disabled work-people was £130,251, of which £113,203 was paid to miners ; and mining accounts for 1405 out of the 1514 cases which had been disabled for more than a year. The chief mining diseases are nystagmus, beat hand, and beat knee. In spite of these figures and the high figure already given for the compensation of miners per person employed per annum, the charge arising under the Act works out at only just over one penny per ton of coal raised. There were 569 cases due to lead-poisoning ; 221 of these arose in the engineering and metal trades, 148 in the china and earthenware industry, and most of the others apparently in house-painting.

Attention was called on p. 108 to the inclusion in the Act of non-manual workers, menial servants, etc. The extent to which the Act has been of benefit to these classes of workers cannot be gauged with anything like the same

accuracy as in the case of the seven industries which make returns, but the figures as to cases taken into Court throw some light on this point. Out of a total of 13,208 persons who took their cases into Court, 40 were in professional employments and 43 in commercial occupations ; 232 were shop-assistants and 576 domestic servants ; 693 were engaged in inland transport by road (other than railways).

Actions under the Employers' Liability Act are somewhat rapidly decreasing. In the period 1898-1906, in which the Workmen's Compensation Act, 1897, was in force, the number of actions averaged roughly 700 per annum. In the next four years the number dropped to just over 200. In 1913 the number was 171, the smallest on record, and only 62 of these actions actually went to a hearing.

It has already been noticed (p. 117) that in the Workmen's Compensation Act special care has been taken to keep down legal costs. In 1913 the average amount of solicitors' costs was £20 9s. 3d. under the Employers' Liability Act, and £10 18s. 8d. under the Workmen's Compensation Act.

## CHAPTER IX

### THE DEFINITIONS OF THE FACTORY ACTS, MINES ACTS, AND SHOPS ACT

THE main classifications of the Factory Acts<sup>1</sup> are into factories and workshops, and into textile and non-textile factories, but the lines of demarcation are very confusing. They are historical in origin, and Chapter XVII. is devoted to a short history of factory legislation, and a perusal of that chapter is necessary for an intelligent appreciation of certain distinctions which on the surface may appear arbitrary and meaningless. The present chapter is mainly an attempt to present the classifications of the Factory Acts in as simple a form as possible. Certain other definitions have also been inserted.

Factory legislation was originally confined to places where machinery worked by steam, water, or other mechanical power was in use. This is still the basis of the distinction between factories and workshops, but the works in which certain non-textile trades are carried on are treated as factories, irrespective of the character of the motive power in use. The term factory is not directly defined in the Act, but only in conjunction with the words textile and non-textile.

**Textile Factories.**—Under Section 149 of the Factory and Workshop Act, 1901, the term 'textile factory' means any premises wherein steam, water, or other mechanical

<sup>1</sup> The main Factory Act in force is the Factory and Workshop Act, 1901. This has been slightly amended by the Factory and Workshop Act, 1907. References are to the Act of 1901 unless the contrary is indicated.

power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre, or other like material, either separately or mixed together, or mixed with any other material or any fabric made thereof.

*Exceptions.*—The processes carried on in regard to these textile materials in the following classes of works are so distinct from the usual processes associated with the textile industry that those works are treated as exceptions, and if they are factories they rank as non-textile factories, viz. :

Print works.	Paper mills.
Bleaching and dyeing works.	Flax scutch mills.
Lace warehouses.	Rope works.
Hat works.	

**Non-textile Factories.**—A. Under Section 149 and Part I. of the 6th Schedule, the definition of 'non-textile factory' begins with a specific list of twenty classes of works. The difficulty of defining any of these works except by enumeration seems to be that some of them are concerned with processes on textiles, *e.g.* print works; others of them can be run by hand labour, as is specifically mentioned in the case of 'paper-staining works'; while yet others are not concerned with any manufacturing process at all, *e.g.* letterpress printing works. These twenty works may be shortly described as follows :

Print works.	Iron mills.
Bleaching and dyeing works.	Foundries.
Earthenware works.	Metal and india-rubber works.
Lucifer-match works.	Paper mills.
Percussion-cap works.	Glass works.
Cartridge works.	Tobacco factories.
Paper-staining works.	Letterpress printing works.
Fustian cutting works.	Bookbinding works.
Blast furnaces.	Flax scutch mills.
Copper mills.	Electrical power stations.

The full definition of these terms will be found in Appendix IV.

B. The definition proceeds with a further group of the

same type (Part II. of the 6th Schedule as amended by the Factory and Workshop Act, 1907), but in this case works are only included when steam, water, or other mechanical power is used in aid of the manufacturing process. These works are :

Hat works.	Quarries.
Rope works.	Pit-banks.
Bakehouses.	Dry-cleaning, carpet-beating, and
Lace warehouses.	bottle-washing works.
Shipbuilding yards.	Laundries.

The full definition of these terms will be found in Appendix IV.

C. After the specific enumeration of these difficult cases there is added a general definition comprising—

All premises in which any manual labour is exercised by way of trade or for purposes of gain in or incidental to any of the following purposes, viz. :

- (1) The making of any article or of part of any article ; or
  - (2) The altering, repairing, ornamenting, or finishing of any article ; or
  - (3) The adapting for sale of any article,
- and in which steam, water, or other mechanical power is used in aid of the manufacturing process carried on.

**Workshops.**—Workshops are such premises as are included in list B, but are worked without the use of mechanical power, and such premises as are included in the general definition C, omitting the reference to the use of mechanical power, but with a special proviso that the employer of the persons working therein must have a right of access to the premises or control over them.

**Tenement Factory.**—This means a factory where mechanical power is supplied to different parts of the same building occupied by different persons for the purpose of any manufacturing process or handicraft, in such manner that those parts constitute in law separate factories.

**Tenement Workshop.**—This means any workplace in which, with the permission of or under agreement with the owner or occupier, two or more persons carry on any work which would constitute the workplace a workshop if the

persons working therein were in the employment of the owner or occupier.

**Crown Factories and Workshops.**—Legislation does not bind the Crown unless it is expressly so provided. The Army and Navy, however, do much manufacturing, and there is no reason in ordinary times why the premises in which this manufacturing is done should not come under the ordinary law.

It is accordingly provided by Section 150 that the Act shall apply to factories and workshops belonging to the Crown ; but in case of any public emergency the Secretary of State may, by order, to the extent and during the period named by him, exempt from the Act any factory or workshop belonging to the Crown, or any factory or workshop in respect of work which is being done on behalf of the Crown under a contract specified in the Order.

These emergencies powers have been freely exercised as to Government war orders urgently needed through the outbreak of war.

**Domestic Factories and Domestic Workshops.**—By Section 115 the expressions ' domestic factory ' and ' domestic workshop ' mean a private house, room, or place which, though used as a dwelling, is, by reason of the work carried on there, a factory or workshop, as the case may be, within the meaning of the Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there, and in which the only persons employed are members of the same family dwelling there.

Domestic factories must necessarily be very rare, as by the exclusion of places where mechanical power is used they are limited to such of the non-textile factories enumerated in Part A of the definition of non-textile factories given above as are capable of being carried on in a private house.

Domestic workshops are cut down by the provisions of Section 114 of the Act of 1901 and Section 4 of the Factory and Workshop Act, 1907, which are as follows :

(1) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual



labour by way of trade or for purposes of gain in or incidental to any of the following handicrafts, namely :

- (i.) Straw plaiting,
- (ii.) Pillow-lace making, or
- (iii.) Glove making,

shall not of itself constitute the house or room a workshop within the meaning of the Act.

(2) The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to any of the following purposes, namely :

- (i.) The making of any article or of part of any article ; or
- (ii.) The altering, repairing, ornamenting, washing, cleaning, or finishing of any article ; or
- (iii.) The adapting for sale of any article,

shall not of itself constitute that house or room a workshop, where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to the family.

The carrying on of a ' dangerous industry ' in premises which would otherwise be a domestic workshop or a domestic factory deprives the premises of their ' domestic ' character and the privileges attached thereto ; for under Section 112, if any manufacture, process, or description of manual labour which in pursuance of this Act (Section 79) has been certified by the Secretary of State to be dangerous, is carried on in a domestic factory or workshop, all the provisions of this Act are to apply as if the place were a factory or workshop other than a domestic factory or workshop.

**Women's Workshops.**—This term is not used or defined in the Act itself, but forms part of the marginal note to Section 29, which deals with ' a workshop which is conducted on the system of not employing therein either children or young persons.'

**Employment.**—Under Section 152 a woman, young person, or child who works in a factory or workshop, whether for wages or not, either in a manufacturing process or handi-

craft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by the Act, be deemed to be employed therein within the meaning of the Act.

For the purposes of the Act an apprentice shall be deemed to work for hire.

**Personal Definitions.**—By Section 156 the expression ‘child’ means a person who is under the age of 14 years, and who has not, being of the age of 13 years, obtained a special certificate of proficiency or attendance at school (see p. 138).

The expression ‘young person’ means a person who has ceased to be a child and is under the age of 18 years.

The expression ‘woman’ means a woman of the age of 18 years and upwards.

**Miscellaneous Definitions.**—By Section 156—

‘Week’ means the period between midnight on Saturday night and midnight on the succeeding Saturday night ;

‘Night’ means the period between 9 P.M. and 6 A.M. in the succeeding morning ;

‘Machinery’ includes any driving strap or band ;

‘Mill-gearing’ comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley, or other appliance by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process.

‘Process’ includes the use of any locomotive.

**Mines.**—Mines are divided into two classes : (a) coal mines, as defined by the Coal Mines Act, 1911, that is to say, mines of coal, mines of stratified ironstone, mines of shale, and mines of fire-clay ; and (b) metalliferous mines, which form a general class, and comprise all such mines as are not coal mines as defined above.

**Retail Shops.**—Under the Shops Act, 1912, the expression

'shop' includes any premises where any retail trade or business is carried on.

The expression 'retail trade or business' includes the business of a barber or hairdresser, the sale of refreshments or intoxicating liquors, and retail sales by auction, but does not include the sale of programmes and catalogues and other similar sales at theatres and places of amusement.

The expression 'shop-assistant' means any person wholly or mainly employed in a shop in connexion with the serving of customers or the receipt of orders or the despatch of goods.

## CHAPTER X

### THE EMPLOYMENT OF CHILDREN

No general statement can be made as to the age below which a person is, for the purpose of employment, regarded by the law as a child. But just as the age of 14 is, subject to various exceptions, the age for leaving school, so that age tends to become the accepted age after which a person is no longer to be regarded as a child for the purpose of employment. Historically, there is a close connexion between the educational needs of children and the hours of their labour.

The general employment of children is regulated by the Employment of Children Act, 1903. There are special enactments for Factories and Workshops, and incidentally for certain dangerous industries within the meaning of the Factory and Workshop Act, for coal mines, and for metalliferous mines.

#### THE EMPLOYMENT OF CHILDREN ACT, 1903

This Act applies to both boys and girls under the age of 14 years, and its third section contains the following general restrictions on their employment, viz. :

(a) A child is not to be employed between 9 P.M. and 6 A.M. except where a local authority has passed a Bye-law in variation of those hours ;

(b) Half-timers under the Factory and Workshop Act, 1901, are not to be employed in any other occupation ;

(c) A child is not to be employed to lift, carry, or move anything so heavy as to be likely to cause injury to the child ;

(d) A child is not to be employed in any occupation likely

to be injurious to his life, limbs, health, or education, regard being had to his physical condition.

(e) A child under eleven years of age is not to be employed in street trading.

Under the same Act local authorities have power to make Bye-laws (A) prescribing for all children, or for boys and girls separately, and with respect to all occupations or to any specified occupation, (1) the age below which employment is illegal, (2) the hours between which employment is illegal, and (3) the number of daily or weekly hours beyond which employment is illegal; and (B) prohibiting absolutely or permitting, subject to conditions, the employment of children in any specified occupations.

In Appendix V. some particulars are given as to the exercise of these powers by the 127 local authorities which have exercised them.

It should also be noted that certain sections of the Cruelty to Children Act, 1904, restrict and regulate singing, playing, and performing by children, and that under the Children (Employment Abroad) Act, 1913, a license must be obtained before a young person can be allowed to go out of the United Kingdom for the purpose of singing, playing, performing, or being exhibited for profit. The form of license and regulation is fixed by S.R. and O., 1913, No. 885.

#### FACTORY AND WORKSHOP ACT, 1901

**Meaning of 'Child.'**—Under Section 156 of the Factory and Workshop Act, 1901, a 'child' means a person who is under the age of 14 years, and who has not, being of the age of 13 years, obtained a certificate of proficiency or attendance at school, which is commonly called an educational certificate.

**Educational Certificate.**—The Home Secretary has power to fix the requisite standards of proficiency and attendance for the granting of these certificates. By an Order taking effect from July 1, 1901, the required standard of proficiency is the 5th standard of reading, writing, and arithmetic as fixed by the Code in force for the time being, or any higher standard which may be attained by the child, and the

standard of previous due attendance at a certified efficient school is 350 attendances after such child has attained 5 years of age in not more than two schools during each year for five years, whether consecutive or not.

It should be noted that in districts where the school authority under the Elementary Education Acts have power to make Bye-laws for children between 13 and 14 years of age, a child must also satisfy the conditions of total exemption prescribed by the Bye-laws before he can be legally employed full-time in a factory or workshop. Thus in Birmingham total exemption from school attendance is dependent on passing a written examination held at stated times.

**Age and Fitness.**—Under Section 62 a child under the age of 12 years must not be employed in a *factory or workshop*.

Under Section 63 a child over the age of 12 years must not be employed for more than 7 work-days (in certain districts for more than 13 work-days) unless the occupier of the *factory* has obtained a certificate in the prescribed form of the fitness of the child for employment in that factory. The occupier must, when required, produce to an inspector at the factory the child's certificate of fitness.

Under Section 64 the main provisions as to certificates of fitness are as follows :

(a) They are granted by the certifying surgeon for the district after a personal examination of the child.

(b) The certificate must be to the effect that the certifying surgeon is satisfied, by the production of a certificate of birth or other sufficient evidence, that the child is of the age therein specified, and has been personally examined by him, and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

(c) The certificate may be qualified by conditions as to the work on which a child is fit to be employed, and if it is so qualified the occupier shall not employ the child otherwise than in accordance with the conditions.

(d) A certifying surgeon shall have the same powers as an

inspector for the purpose of examining any process in which a child presented to him for the grant of a certificate is proposed to be employed.

The regulations as to the grant of certificates of fitness are given in full in Appendix V.

Certificates of fitness are not required for children employed in *workshops*, but to better secure the observance of the Act and prevent the employment in their workshops of children who are unfitted for the employment, an occupier of a workshop may, under Section 65, obtain, if he thinks fit, certificates of fitness in like manner as if that workshop were a factory.

The Home Secretary has power, under Section 66, to put any class of workshops, by reason of special circumstances affecting them, on the same footing as factories in respect of certificates of fitness, and by an order coming into force on January 1, 1907, nine classes of workshops were so dealt with. They are as follows: File-cutting, carriage-building, rope and twine making, brick and tile making; making of iron and steel cables, chains, anchors, grapnels, and cart gear; making of nails, screws, and rivets; baking bread, biscuits, or confectionery; fruit-preserving; making, altering, ornamenting, finishing, or repairing of wearing apparel by the aid of treadle sewing machines.

A factory inspector has power, under Section 67, to have a child re-examined if he is of opinion that the child is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed.

**Hours of Employment.**—The regulations as to the hours of employment of children differ somewhat according as they are employed (*a*) in textile factories or (*b*) in non-textile factories or workshops.

Under Section 25 in textile factories children are not to be employed except on the system of employment in morning and afternoon sets, or of employment on alternate days only. This is known as the half-time system. Under Section 27 in non-textile factories and workshops the rule is the same except that employment on alternate days is only permissible

where two hours per day are allowed for meals (as against the  $1\frac{1}{2}$  hours for meals which is otherwise allowable).

In textile factories the morning set can begin work at the same time as young persons, viz. at 6 A.M. or 7 A.M. The morning closes (except on Saturday) either (a) at 1 P.M., or (b) if the dinner-time begins before 1 P.M., at the beginning of dinner-time, or (c) if the dinner-time does not begin before 2 P.M., at noon.

The afternoon set can begin in cases (a) and (c) when the morning ends, and in case (b) at any hour later than 1 P.M., at which the dinner-time terminates. The afternoon closes 12 hours after the morning began, i.e. at 6 P.M., 7 P.M., or 8 P.M., according to the circumstances.

The period of employment on Saturdays is the same as if the child were a young person (see p. 147).

A child who works in the morning set one week must work in the afternoon set the next week. A child must not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded  $5\frac{1}{2}$  hours.

Where a child is employed on the alternate-day system, the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person (see p. 147). The child must not be employed on two successive days, and must not be employed on the same day of the week in two successive weeks. In other words, a child who works a full day on Monday, Wednesday, and Friday in one week can only work on the Tuesday and Thursday in the next week. A child must not on either system be employed continuously for more than  $4\frac{1}{2}$  hours without an interval of at least half an hour for a meal. The only exception is under Section 39, which also applies to women and young persons, and is dealt with at pp. 361-2.

In a non-textile factory or a workshop the morning set can begin at the same time as young persons, viz. at 6 A.M., 7 A.M., or 8 A.M. The morning closes on every day, including Saturday, either (a) at 1 P.M., or (b) if the dinner-time begins before 1 P.M., at the beginning of dinner-time, or (c) if the dinner-time does not begin before 2 P.M., at noon.



The afternoon set can begin on every day, including Saturday, in cases (a) and (c) when the morning ends, and in case (b) at any hour later than 12.30 P.M., at which the dinner-hour ends. The afternoon closes 12 hours after the morning set begins, except on Saturdays, when it closes at 2 P.M.

A child who works in the morning set one week must work in the afternoon set the next week, but a child must not be employed on Saturday in any week in the same set in which he has been employed on any other day in the same week.

When a child is employed on the alternate-day system, the period of employment (except on Saturdays) is 6 A.M. to 6 P.M., or 7 A.M. to 7 P.M., or 8 A.M. to 8 P.M. On Saturdays it is from 6 A.M. or 7 A.M. to 2 P.M. or from 8 A.M. to 4 P.M.

Two hours must be allowed for meals except on Saturday, and on that day half an hour. The child must not be employed in any manner on two successive days, nor on the same day of the week in two successive weeks. A child must not on either system be employed continuously for more than 5 hours without an interval of at least half an hour for a meal.

Under Section 28 print works, bleaching and dyeing works count as textile works, except that the maximum period of continuous work is 5 hours and not  $4\frac{1}{2}$  hours.

Under Section 31 a child must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop, and this covers the giving out of work to be done outside the factory.

Under Section 32 the occupier of every factory or workshop employing children must specify, on a notice affixed in the factory or workshop, whether the children are employed on the system of morning and afternoon sets or of alternate days.

Under Section 34 a child must not be employed on Sunday in a factory or workshop.

Under Sections 33 and 35 the rules as to meal-times and holidays are the same as for women and young persons (see p. 147 and p. 149).

Overtime is not allowed for children, but under Section 51 it is possible for children engaged in certain factories and workshops (the list of these is very short) to be kept to finish incomplete work for not more than half an hour extra on any day except Saturday, but these further periods must not raise the total hours of employment above the number otherwise allowed under the Act (see p. 153).

Night work in a factory or workshop is not permissible for children.

**Education of Half-timers.**—Under Section 68 the child, when employed in a morning or afternoon set, must in every week, during any part of which he is so employed, be caused by his parent to attend a public elementary school on each work-day for at least one attendance. The child, when employed on the alternate-day system, must similarly attend school on each work-day preceding each day of employment for at least two attendances.

Attendance at school is not necessary on Saturdays or any holiday at the factory or workshop, or when the child is prevented by sickness from attending school, or when the school is closed during ordinary holidays or for any other temporary cause. A child who has not in any week attended school for all the attendances required must not be employed in the following week until he has attended school for the deficient number of attendances.

Under Section 69 the occupier of a factory or workshop must once a week obtain from the teacher of the school attended by the child a certificate respecting the attendance of the child at school, and must retain it for two months for production to the Factory Inspector if required. If a child is employed without such a certificate being obtained, the child shall be deemed to be employed contrary to the provisions of the Act.

**Children and Machinery.**—Under Section 13, while the machinery is in motion by the aid of steam, water, or other mechanical power, a child is not allowed to clean in any factory—

(a) Any part of the machinery (not even the fixed part or non-dangerous part), or

(b) Any place under any machinery other than overhead mill gearing.

Under Section 12 (3) a child is not allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power.

**Dangerous and Unhealthy Industries.**—Sections 76, 77, and 78 deal with the employment of women, young persons, and children in wet-spinning, and certain industries dangerous to health through the use of poisonous material, etc. These sections are fully dealt with at p. 157; Section 77 (4), however, applies to children only, and prohibits their employment in the part of a factory or workshop in which there is carried on—

(a) Any dry grinding in the metal trade, or

(b) The dipping of lucifer matches.

Children are also included with women and young persons in certain prohibitions and restrictions contained in special regulations for individual dangerous trades. References to these are given at p. 158, and the special regulations themselves will be found in Appendix VIII. (d).

**Laundries (Act of 1907).**—Up to the passing of the Factory and Workshop Act, 1907, a laundry was neither a factory nor a workshop. Section 103 of the Act of 1901 adapted many of its provisions to the special circumstances of laundries. The Act of 1907 repealed Section 103, and placed most laundries (see p. 357) on the same footing as non-textile factories; children employed in such laundries come within the provisions of the Act of 1901 as to terms of employment in non-textile factories.

**Domestic Factories and Workshops.**—Under Section 111 the period of employment for a child on every day must either begin at 6 A.M. and end at 1 P.M. or must begin at 1 P.M. and end at 8 P.M. or on Saturday at 4 P.M., and for the purpose of the provisions of the Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set. Morning and afternoon work must alternate in successive weeks on the lines adopted for ordinary workshops. A child must not be employed con-

tinuously for more than 5 hours without an interval of at least half an hour for a meal. Certificates of fitness are optional as in the case of an ordinary workshop.

### MINES ACTS AND SHOPS ACT

**Coal Mines Act, 1911.**—No boy or girl, under the age of 14 years, can be employed in any mine below ground.

No person, boy or girl, under the age of 13 years can be employed in any mine above ground. Above the age of 13 years and up to the age of 16 years boys and girls are in a class which corresponds to the class of young persons under the Factory and Workshop Act, and they are therefore dealt with in the next chapter.

**Metalliferous Mines.**—Under the combined effect of the Metalliferous Mines Regulation Act, 1872, and the Mines (Prohibition of Child Labour Underground) Act, 1900, no boy or girl under the age of 13 years can be employed in or allowed to be for the purpose of employment in any metalliferous mine below ground. Between the ages of 13 and 16 a boy is a male young person, and comes under the provisions of Section 4 of the Metalliferous Mines Regulation Act, 1872, set out in the next chapter.

As regards employment above ground no hours of employment are specified in the Act of 1872, and this apparently makes such employment come within the Factory and Workshop Act, 1901, as employment in a non-textile factory or workshop (see the definition of 'Pit-banks' given in Appendix IV.)

**Shops Act, 1912.**—Under the Shops Act, 1912, there is no special legislation as to children as a separate class, but they are entitled to the benefit of Section 2, which deals with the hours of employment of persons under the age of 18 years (see the next chapter).

## CHAPTER XI

### THE EMPLOYMENT OF WOMEN<sup>1</sup> AND YOUNG PERSONS

THE legislation as to women and young persons is entirely contained in specific Acts relating to factories, mines, and shops, and there is no general legislation on their behalf such as is contained in the Employment of Children Act, 1903 (see p. 137). It is convenient to take women and young persons together, as a considerable proportion of the regulations as to the two classes is identical.

**Hours of Employment under the Factory Act.**—The Factory and Workshop Act, 1901, deals with four classes of works for the purpose of fixing hours of labour, viz.—

- (1) Textile factories (Section 24).
- (2) Print works and bleaching and dyeing works (Section 28).
- (3) Non-textile factories and workshops (Section 26).
- (4) Women's workshops (Section 29).

These terms are defined in Chapter IX.

On the whole it seems simplest to show the chief regulations in the form of the table which is given on the opposite page.

**Provision for an 8-hours Day.**—Under Section 30 in a non-textile factory or workshop where a woman or young person is not actually employed for more than 8 hours on any day in a week, and notice of such non-employment has been affixed in the factory or workshop and served on the inspector, the period of employment on Saturday may

<sup>1</sup> As a matter of convenience, male shop-assistants under the Shops Act, 1912, are included in this chapter.

TABLE SHOWING THE HOURS OF EMPLOYMENT UNDER THE FACTORY AND WORKSHOP ACT, 1901

Subject of Regulation.	Textile Factories.	Print Works, etc.	Non-Textile Factories and Workshops.	Women's Workshops.
Daily period of work, excepting Saturdays	6 A.M. to 6 P.M. or 7 A.M. to 7 P.M.	Same as for textiles	6 A.M. to 6 P.M. 7 A.M. to 7 P.M. 8 A.M. to 8 P.M.	A specified period of 12 hours between 6 A.M. and 10 P.M.
Saturdays . . .	Not more than 5 hours on a manufacturing process. All work must close at 1 P.M.	Same as for textiles	8-hour period, ending at 2 P.M., 3 P.M., or 4 P.M.	A specified period of 8 hours between 6 A.M. and 4 P.M.
Meal times . . .	2 hours a day, $\frac{1}{2}$ hour on Saturday	Same as for textiles	$1\frac{1}{2}$ hours a day, $\frac{1}{2}$ hour on Saturday	Same as for non-textiles.
Maximum continuous employment without $\frac{1}{2}$ hour for a meal .	$4\frac{1}{2}$ hours	5 hours	5 hours	No regulation.
Total hours per week .	55	55	60	60

To make this table absolutely accurate, it must be noted that Section 39 of the Act allows a 5-hours spell of work during the winter months in certain textile factories. This section and orders made thereunder will be found in Appendix VI. (a).

also be 8 hours between 6 A.M. and 4 P.M., with an interval of not less than 2 hours for meals.

**Employment Inside and Outside a Factory or Workshop.**—Under Section 31 a woman or young person must not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the woman or young person is employed in the factory or workshop both before and after the dinner-hour.

Thus, if a woman works in a factory in the morning and part of the afternoon, and her working day is from 6 A.M. to 6 P.M., then her work outside the factory must cease at 6 P.M.

If a woman or young person is employed by the occupier of a factory or workshop on the same day both in the factory or workshop and in a shop, then the whole time during which that woman or young person is employed shall not exceed the number of hours permitted by the Act for her or his employment in the factory or workshop.

Thus, a woman who starts work in the factory or workshop at 6 A.M. may, subject as above, be kept at work in the shop, say, till 8 P.M. if she has a 2-hours-longer interval during the day. For the corresponding provision in the Shops Act, 1912, see p. 165 below.

If the employer keeps a woman or young person at work in the shop beyond the factory or workshop hours he must make the prescribed entry in the general register with regard to her or his employment.

**Notices as to Hours of Employment, etc.**—Under Section 32 the occupier of every factory and workshop may fix, within the limits allowed by the Act,

(a) The period of employment and

(b) The time allowed for meals,

and this period and time, when fixed, must be specified in a notice affixed in the factory or workshop. A change shall not be made until the occupier has served on an inspector, and affixed in the factory or workshop notice of his intention to make the change, and shall not, in general, be made oftener than once a quarter.

An inspector of factories may, by notice in writing, name a public clock by which the period of employment and the times allowed for meals shall be regulated.

**Simultaneous Meal-times.**—Under Section 33 the following regulations, with certain exceptions, must be observed in a factory or workshop :

(1) All women, young persons, and children employed therein shall have the times allowed for meals at the same hour of the day.

(2) A woman, young person, or child shall not, during any part of the times allowed for meals in the factory or workshop, be employed in the factory or workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

The exceptions are contained partly in Section 40 of the Act and partly in ten Special Orders, made in pursuance of powers contained in that section. The section and the Orders will be found in full in Appendix VI. (b).

**Sundays and Holidays.**—Under Sections 34 and 35 women, young persons, and children must not be employed on Sundays. They must also be allowed in England the following whole holidays, viz. Christmas day, Good Friday, and every Bank Holiday, unless in lieu of any of those days another whole holiday (or two half-holidays), fixed by the occupier and notified to the inspector, is allowed. For instance, Easter Tuesday is often substituted for Good Friday. The provisions for Scotland and Ireland follow local customs.

**Period of Work, 9 a.m. to 9 p.m.**—Under Section 36 a Secretary of State may, by Special Order, permit the working day to be from 9 A.M. to 9 P.M. (except on Saturday) in any class of non-textile factories or workshops when the customs or exigencies of the trade require it, and the permission can be granted without injury to the health of the women, young persons, and children affected by it. But the children employed in the afternoon set must finish work at 8 P.M.

Only one Order under this section is in operation, and it is very strictly limited, as it applies only to what may be called the London area, and to two trades, viz. letterpress



bookbinding carried on in factories, and laundries. It is set out in Appendix VI. (c).

**Males over 14 Years of Age.**—Legislation shows some hesitation as to whether 16 or 18 years of age is the best line of demarcation between youth and manhood or womanhood. In the case of mines, 'boys' and 'girls' pass into the adult class generally at 16. Under the Shops Act, 1912, persons under the age of 18 years are young persons.

As we have seen, under the Factory Act, young persons remain such until 18, and in the case of girls there are no exceptions, except that certificates of fitness are not required after 16. In the case of boys there are several enactments treating them in an exceptional way after 16 years of age, and in one or two cases even after 14 years of age.

Thus, under Section 37, in lace factories boys between 16 and 18 years of age may be employed between 4 A.M. and 10 P.M. if they do not do more than 9 hours work, and have proper intervals for sleep and rest.

So, under Section 38, in bakehouses the same class of boys may be employed between 5 A.M. and 9 P.M. if they do not do more than 7 hours work and have proper intervals for sleep and rest.

Those two sections will be found in Appendix VI. (d).

Again, under Section 56, in a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, a boy between the ages of 16 years and 18 years may be employed at night during not more than two nights in a week, as if he were no longer a young person. But he must not be employed more than 12 hours in any consecutive period of 24 hours.

Under Sections 54 and 55 boys between the ages of 14 and 18, or between the ages of 16 and 18, are allowed to do night work in certain industries and upon certain conditions. These sections and certain extensions of Section 54 made by Special Orders will be found in Appendix VI. (e).

**Exceptional Rules for Special Industries.**—Under Sections 41 and 42 special provision is made for women and young persons engaged in fish- and fruit-preserving and creameries.

Under Section 41 the provisions of the Act as to period of employment, time for meals, and holidays are not to apply to young persons and women engaged :

(a) In processes in the preserving and curing of fish which must be carried out immediately on the arrival of the fishing-boats in order to prevent the fish from being destroyed or spoiled, or,

(b) In the process of cleaning or preparing fruit so far as is necessary to prevent the spoiling of the fruit immediately on its arrival at a factory or workshop during the months of June, July, August, and September, but this exception is to be subject to such conditions as the Secretary of State may by Special Order prescribe.

The conditions are prescribed by Special Order dated September 11, 1907, which will be found in Appendix VI. (f).

When an occupier avails himself of this exception, the notice required to be served and affixed by an occupier of a factory or workshop availing himself of any special exception, need not specify the hours for the beginning and end of the period of employment or the times to be allowed for meals.

Under Section 42, in the case of creameries in which women and young persons are employed, the Secretary of State may, by Special Order, vary the beginning and end of the daily period of employment of these women and young persons, and the times allowed for their meals, and allow their employment for not more than 3 hours on Sundays and holidays ; but the Order is not to permit any excess over either the daily or the weekly maximum number of hours of employment allowed by the Act.

By an Order dated October 23, 1903, the Secretary of State granted certain special exceptions to creameries under this power, and the Order will be found in Appendix VI. (g).

**Overtime.**—This is dealt with in Sections 49-53 of the Act, in the 2nd Schedule to the Act, and in two Special Orders made under powers contained in those sections. All these enactments will be found in Appendix VI. (h), and the following is a summary of their provisions.

(a) *General Provisions.*—Overtime is in general only allowed in the case of women. Under Section 49 women are not allowed to work overtime in manufacturing processes or handicrafts in textile factories and workshops. They are allowed to work overtime in non-textile factories and workshops, other than women's workshops, in three classes of cases: (a) Where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by the weather, (b) where press of work arises at certain recurring seasons of the year, and (c) where the business is liable to a sudden press of orders arising from unforeseen events. These factories and workshops are enumerated either in the 2nd Schedule to the Act or in the Special Order of October 13, 1908, extending the enumeration.

Women are allowed to work overtime in a warehouse, forming part of a factory (whether textile or non-textile) or a workshop, if the warehouse is not used for any manufacturing process or handicraft, and persons are solely employed in it in polishing, cleaning, wrapping, or packing up goods.

Where overtime is allowed it is restricted to an additional two hours at the end of any day in the week except Saturday, or any day substituted for Saturday. In such an extended day there must be allowed to every woman for meals not less than two hours, of which half an hour must be after 5 P.M. A woman must not be employed in the whole for more than three days in any one week. Overtime employment must not take place in a factory or workshop on more than thirty days in the whole in any twelve months, and in reckoning that period every day on which any woman has been employed overtime is to be taken into account.

(b) *Overtime on Perishables.*—Under Section 50 overtime is allowed on much the same lines in the case of women employed on certain perishable articles.

The differences are as follows: The period 8 A.M. to 10 P.M. is not a permitted period of employment. Overtime employment may take place on fifty days in any twelve months instead of on thirty days. Women's workshops are not excepted.

The factories and workshops concerned are those in which is carried on :

- (1) The process of making preserves from fruit.
- (2) The process of preserving or curing fish.
- (3) The process of making condensed milk.

(c) *Overtime on Incomplete Processes.*—Under Section 51 in certain factories and workshops, if the process in which a woman, young person, or child is employed is in an incomplete state at the end of the period of employment of the woman, young person, or child, she or he may, on any day except Saturday, be employed for a further period not exceeding thirty minutes ; but these further periods, when added to the total number of hours of the periods of employment of the woman, young person, or child must not raise that total above the number otherwise allowed under the Act.

The factories and workshops in which this modified overtime is allowed are :

- (1) Bleaching and dyeing works.
  - (2) Print works.
  - (3) Iron mills
  - (4) Foundries
  - (5) Paper mills
- } in which male young persons are not employed during any part of the night.

(d) *Overtime in Factories driven by Water.*—Under the combined operation of Section 52 of the Act and a Special Order, in the case of factories driven by water-power *alone*, and liable to be stopped by drought or flood, the period of employment of women and young persons may be from 6 A.M. to 7 P.M., subject to certain conditions for which the Order itself may be consulted (Appendix VI. (h)).

(e) *Overtime to prevent Damage.*—Under Section 53 a woman or young person may on any day except Saturday be employed beyond the period of employment, so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of turkey-red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

(f) *Extra Cubic Space during Overtime.*—By the combined operation of Section 3 of the Act and the Special Order of

October 13, 1908, there must be in every factory and workshop where overtime is worked a cubic space of at least 400 feet for every person so employed.

**Women's Workshops.**—Under Section 29, if an employer is prepared to run a workshop (this does not apply to a factory) without young persons or children, he is given a freer hand as to the employment of women.

Particulars of the hours allowed have been given in the last column of the schedule on p. 147. Overtime is not allowed in these workshops, for an employer who is pressed to get his work out quickly can work a double shift, so that he has women at work (but no individual woman) from 6 A.M. till 10 P.M., or any shorter period.

In order to avoid confusion, the occupier must not keep changing his workshop from this special system to the usual system. Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed to be conducted on that system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system. A change in the system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

**Special Provisions as to Saturdays.**—(a) Under Section 43 Saturday may be treated as an ordinary working day, and some other day substituted as the weekly short day in the case of non-textile factories and workshops, as to which a Secretary of State is satisfied that the customs or exigencies of the trade require the substitution to be made. The five following classes have been granted this privilege by Special Order, dated December 26, 1907 :

(1) Non-textile factories in which is carried on the printing of newspapers or of periodicals, or of railway time-tables, or of law or parliamentary proceedings.

(2) Non-textile factories and workshops in which is carried on any manufacturing process or handicraft in connexion with a retail shop on the same premises.

(3) Non-textile factories or workshops in which is carried

on the manufacture of any article of wearing apparel or of food.

(4) Non-textile factories and workshops in places in which the market day is Saturday, or in which a special day has been set apart for the weekly half-holiday.

(5) Laundries.

(b) Under Section 44 the period of employment for women and young persons on Saturday in the process of turkey-red dyeing may extend until 4.30 P.M., but the additional number of hours so worked shall be computed as part of the week's limit of work, which must in no case be exceeded.

**Annual Holidays on different Days for different Sets.**—Under Section 45, in the case of non-textile factories or workshops, as to which a Secretary of State is satisfied that the customs or exigencies of the trade require a special exception to be made, he may by Special Order grant to such a class of factories or workshops a special exception, authorising the occupier of any such factory or workshop to allow all or any of the annual whole holidays or half-holidays on different days to any of the women, young persons, and children employed in his factory or workshop, or to any sets of these women, young persons, and children, and not on the same days.

This privilege has been granted, by Special Order dated December 20, 1882, to classes (1), (2), (3) described immediately above, and also to non-textile factories in which is carried on the manufacture of plate-glass.

**Jewish Factories and Workshops.**—Under Sections 47 and 48, where the occupier of a factory or workshop is a person of the Jewish religion, he has three alternatives offered him : (a) He may keep his factory or workshop closed on Saturday until sunset, and employ women and young persons on Saturday from after sunset until 9 P.M.

(b) He may close all day Saturday and employ women and young persons an extra hour on the other five days of the week, at the beginning or end of the period of employment, but not before 6 A.M. or after 9 P.M.

(c) In the case of any woman or young person of the Jewish religion, he may select a third alternative, and close

the factory or workshop on Saturday (for all persons) and open it for work, but not for traffic, on Sunday. In this case he may reckon Sunday as the first day of the working week and keep Friday as Saturday, or he may regard Sunday as a Saturday, and the provisions as to Saturday hours will apply accordingly to Friday or Sunday and provisions as to Sunday will apply to Saturday.

**Notices, etc., relating to Special Exceptions.**—Under Section 60 an occupier of a factory or workshop, not less than seven days before he avails himself of any of the special exceptions mentioned above, must serve on the inspector for the district, and affix in his factory or workshop, notice of his intention so to avail himself, and whilst he avails himself of the exception must keep the notice so affixed.

The notice must specify the hours for the beginning and the end of the period of employment, and the times to be allowed for meals to every woman, young person, and child where they differ from the ordinary hours or times.

An occupier of a factory or workshop must enter in the prescribed register and report to the inspector for the district the prescribed particulars respecting the employment of a woman, young person, or child in pursuance of a special exception, and in case of employment overtime he must keep a special notice affixed in the factory or workshop during the prescribed time, and send the report to the inspector not later than 8 P.M. in the evening on which any woman, young person, or child is employed overtime in pursuance of the exception.

**Fitness for Employment.**—Under Section 61 an occupier of a factory or workshop shall not knowingly allow a woman or girl to be employed therein within four weeks after she has given birth to a child.

**Certificates of Fitness.**—The provisions as to certificates of fitness contained in Sections 63, 64, 65, 66, and 67 relate to 'a young person under the age of 16 years or a child,' and they have already been set out as to children in Chapter X. It is only necessary to note one point here which concerns the transition from childhood: when a child becomes a young person a fresh certificate of fitness must be obtained.



**Dangers of Machinery, etc.**—Under Section 12 a woman or young person must not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power.

Under Section 13 a young person must not be allowed to clean any dangerous part of the machinery in a factory while the machinery is in motion by the aid of steam, water, or other mechanical power; and for this purpose such parts of the machinery shall, unless the contrary is proved, be presumed to be dangerous as are so notified by an inspector to the occupier of the factory.

A woman or young person must not be allowed to clean such part of the machinery in a factory as is mill-gearing while the machinery is in motion for the purpose of propelling any part of the manufacturing machinery.

For a definition of mill-gearing, see p. 135.

**Dangerous and Unhealthy Industries (Prohibitions of Employment).**—Under Section 76 a woman, young person, or child must not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means are employed and continued for protecting the workers from being wetted, and, where hot water is used, for preventing the escape of steam into the room occupied by the workers.

Under Section 77 a young person or child must not be employed in the part of a factory or workshop in which there is carried on :

(a) The process of silvering of mirrors by the mercurial process, or

(b) The process of making white lead.

A female young person or a child must not be employed in the part of a factory in which the process of melting or annealing glass is carried on.

A girl under the age of 16 years must not be employed in a factory or workshop in which there is carried on :

(a) The making or finishing of bricks or tiles, not being ornamental tiles, or

(b) The making or finishing of salt.



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Notice of any of these prohibitions must be affixed in the factory or workshop to which it applies.

By the combined operation of Section 79 and certain Special Orders, made under a power contained in it, establishing regulations for dangerous trades individually, further prohibitions of employment are in force, as follows :

Since January 1, 1904, women, young persons, and children have been prohibited from employment in the manipulation of dry compounds of lead or in pasting in the manufacture of electric accumulators.

Since February 1, 1907, women, young persons, and children have been prohibited from employment in manipulating lead colour in the manufacture of paints and colours.

Since August 13, 1907, a person under 16 years of age has been prohibited from employment in the process of heading of yarn dyed by means of a lead compound.

Since April 1, 1908, persons under 18 years of age have been prohibited from employment on horsehair from China, Siberia, or Russia which has not undergone disinfection.

Since April 1, 1909, a person under 16 years of age has been prohibited from employment in any enamelling process in the vitreous enamelling of metal or glass.

Since October 1, 1909, a person under 16 years of age has been prohibited from employment in tinning metal hollow ware, iron drums, and harness furniture.

Since January 2, 1913, there have been many restrictions on the employment of women, young persons, and children in the manufacture and decoration of pottery. The details are set out in Appendix VIII. (d).

**Dangerous and Unhealthy Industries (Prohibitions as to Meals).**—By the combined operation of Section 78 and a Special Order dated March 23, 1898, a woman, young person, or child must not be allowed to take a meal or to remain during the times allowed for meals in

(a) the following factories or workshops, or parts of factories or workshops, viz. :

(i.) In the case of glass works, in any part in which the materials are mixed, and

(ii.) In the use of glass works where flint glass is made, in any part in which the work of grinding, cutting, or polishing is carried on, and

(iii.) In the case of lucifer-match works, in any part in which any manufacturing process or handicraft (except that of cutting wood) is usually carried on, and

(iv.) In the case of earthenware works, in any part known or used as dippers' house, dippers' drying-room, or china scouring-room.

(b) The parts of textile factories in which the process of gassing is carried on.

(c) The parts of print works, bleaching works, and dyeing works in which the process of singeing is carried on.

(d) The parts of factories or workshops in which any of the following processes are carried on :

Sorting or dusting wool or hair.

Sorting, dusting, or grinding rags.

Fur-pulling.

Grinding, glazing, or polishing on a wheel.

Brass-casting, typefoundry.

Dipping metal in aqua-fortis or other acid solution.

Metal-bronzing.

Majolica painting on earthenware.

Cleaning and repairing catgut.

Cutting, turning, or polishing bone, ivory, pearl-shell, or snail-shell.

Manufacturing chemicals or artificial manures.

Manufacturing white lead.

Lithographic printing.

Playing-card making.

Fancy-box making.

Paper staining.

Almanack making.

Artificial flower making.

Paper colouring and enamelling.

Colour making.

If and when dry powder or dust is used.

Notice of this prohibition must be affixed in every factory or workshop to which it applies.

**Laundries.**—Under the Act of 1901 laundries were neither factories nor workshops, and were dealt with in Section 103, which applied certain sections of the Act to laundries carried on by way of trade or for purposes of gain, with minor variations. The Factory and Workshop Act, 1907, repealed

Section 103 of the Act of 1901, and introduced a somewhat wider definition of laundries (see p. 357). By Section 2 of the Act of 1907 the hours of employment of women, young persons, and children were fixed as follows :

(1) In laundries other than laundries ancillary to a business carried on in any premises which, apart from the provision of this Act, are a factory or workshop,

(a) The period of employment of women may on any three days in the week, other than Saturday, begin at 6 A.M. and end at 7 P.M., or begin at 7 o'clock in the morning and end at 8 o'clock in the evening, or begin at 8 o'clock in the morning and end at 9 o'clock in the evening :

Provided that a corresponding reduction is made in the periods of employment on other days of the week, so that the total number of hours of the periods of employment of women, including the intervals allowed for meals, shall not exceed sixty-eight in any one week ;

(b) Where the occupier of a laundry so elects, the following provisions shall apply to the laundry in lieu of the provisions of the last preceding paragraph :

The period of employment of women may, on not more than four days, other than Saturday, in any one week, and on not more than sixty days in any calendar year, begin at 6 o'clock in the morning and end at 7 o'clock in the evening, or begin at 7 o'clock in the morning and end at 8 o'clock in the evening, or begin at 8 o'clock in the morning and end at 9 o'clock in the evening.

(c) Different periods of employment may be fixed for different days of the week.

(2) The foregoing provisions of this section shall be deemed to be special exceptions within the meaning of Section 60 of the principal Act, but it shall not be lawful for the occupier of a laundry to change from the system of employment under the above paragraph (a) to the system of employment under the above paragraph (b), or *vice versa*, oftener than once a year. The entry required to be made in the prescribed register by Sub-section 4 of the said Section 60 as so applied shall, in the case of overtime employment under paragraph (b), be made before the commencement of the

overtime employment on each day on which it is intended that there should be such employment, and, in reckoning the sixty days for the purposes of paragraph (b), every day on which any woman had been employed overtime shall be taken into account.

(3) Subject as aforesaid, the provisions of the principal Act as to hours of employment shall apply to laundries.

**Domestic Factories and Workshops.**—Under Section 111 the period of employment for a young person, except on Saturday, is to begin at 6 A.M. and end at 9 P.M., and on Saturday is to begin at 6 A.M. and end at 4 P.M.

There is to be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than  $4\frac{1}{2}$  hours, and on Saturday  $2\frac{1}{2}$  hours.

Certificates of fitness for employment for young persons under 16 years of age in a domestic factory are optional, as if it were a workshop (see p. 140).

The following provisions given above do not apply :

(a) The provisions as to meal hours being simultaneous, and as to prohibition of employment during meal-times.

(b) The provisions as to affixing notices and abstracts.

(c) The provisions as to holidays.

**Employment under the Coal Mines Act, 1911.** (a) *Below Ground.*—Under Section 91 no boy under the age of 14 years and no girl or woman of any age is to be employed in or allowed to be for the purpose of employment in any mine below ground. A boy over the age of 14 years comes under the Coal Mines Regulation Act, 1908 (the Miners' Eight Hours Act), for which see p. 39.

(b) *Above Ground.*—Boys and girls are by definition those under the age of 16 years. Under Section 92, with respect to boys, girls, and women employed above ground in connexion with any mine, the following provisions apply :

(1) No boy or girl under the age of 13 years is to be so employed.

(2) No boy or girl of or above the age of 13 years and no woman is to be so employed for more than 54 hours in any one week or more than 10 hours in any one day.

(3) No boy, girl, or woman is to be so employed between 9 P.M. and 5 A.M. on the following morning, nor on Sunday, nor after 2 P.M. on Saturday.

(4) There must be allowed an interval of not less than 12 hours between the termination of employment on one day and the commencement of the next employment.

(5) A week is to be deemed to begin at midnight on Saturday night and to end at midnight on the succeeding Saturday night.

(6) No boy, girl, or woman is to be employed continuously for more than 5 hours without an interval of at least half an hour for a meal, nor for more than 8 hours on any one day without an interval or intervals for meals amounting altogether to not less than  $1\frac{1}{2}$  hours.

(7) No boy, girl, or woman is to be employed in moving railway waggons or in lifting, carrying, or moving anything so heavy as to be likely to cause injury to the boy, girl, or woman.

Under Section 93 there is an obligation on the manager of a mine to exhibit notices fixing the hours of employment, and under Section 94 there is an obligation on the owner, agent, or manager to keep a register of boys, girls, and women so employed.

**Employment under the Metalliferous Mines Regulation Act, 1872.** (a) *Below Ground*.—Under Section 3, as amended by the Mines (Prohibition of Child Labour Underground) Act, 1900, no boy under the age of 13 years and no girl or woman of any age is to be employed in or allowed to be for the purpose of employment in any mine to which the Act applies below ground.

Under Section 4, as similarly amended, a male young person of the age of 13 and under the age of 16 years is not to be employed in or allowed to be, for the purpose of employment, in any mine to which the Act applies below ground for more than 54 hours in any one week, or more than 10 hours in any one day, or otherwise than in accordance with the regulations following, that is to say :

(1) There must be an interval of not less than 8 hours between the termination of employment on Friday and the

commencement of employment on the following Saturday, and in other cases of not less than 12 hours between each period of employment ; but in the case of young male persons whose employment is at such distance from their ordinary place of residence that they do not return there during the intervals of labour, and who are not employed during more than 40 hours in any week, an interval of not less than 8 hours shall be allowed between each period of employment.

(2) The period of each employment is to be deemed to begin at the time of leaving the surface, and to end at the time of returning to the surface.

(3) A week is to be deemed to begin at midnight on Saturday night and to end at midnight on the succeeding Saturday night.

(b) *Above Ground.*—As regards employment above ground, no hours of employment are specified in the Act of 1872, and this apparently makes such employment come within the Factory and Workshop Act, 1901, as employment in a non-textile factory or workshop. (See the definition of Pit-banks given in Appendix IV.)

Under Section 6 there is an obligation on the owner or agent of every mine to keep a register of male young persons employed underground, and of all women, young persons, and children employed above ground, and to produce it to any inspector under the Act. It is substantially on the lines of Section 94 of the Coal Mines Act, 1911.

**Employment of Young Persons in connexion with Engines.**—Under Section 7 of the Act of 1872, where there is a shaft, inclined plane, or level in any mine to which the Act applies, whether for the purpose of an entrance to such mine or of a communication from one part to another part of such mine, and persons are taken up, down, or along such shaft, plane, or level by means of any engine, windlass, or gin, driven or worked by steam or any mechanical power, or by an animal or by manual labour, a person shall not be allowed to have charge of such engine, windlass, or gin, or of any part of the machinery, ropes, chains, or tackle connected therewith unless he is a male of at least 18 years of age. When the

engine, windlass, or gin is worked by an animal the person under whose direction the driver of the animal acts shall, for the purposes of this section, be deemed to be the person in charge of the engine, windlass, or gin, but such driver shall not be under 12 years of age.

**Provisions as to Shop-assistants.** (a) *Half-Holiday.*—Under Section 1 of the Shops Act, 1912, on at least one week-day in each week a shop-assistant is not to be employed about the business of a shop after 1.30 P.M.; but he may be employed after that hour merely for the purpose of serving a customer whom he was serving at that time, or where the time of the closing of the shop is also 1.30 P.M., he may be employed merely for the purpose of serving customers who were in the shop at that time.

This provision does not apply to the week preceding a bank holiday if the shop-assistant is not employed on the bank holiday, and if on one week-day in the following week, in addition to the bank holiday, the employment of the shop-assistant ceases not later than 1.30 P.M.

The occupier of a shop is to fix and to specify in a notice in the prescribed form (which must be affixed in the shop in such manner and at such time as may be prescribed) the day of the week on which his shop-assistants are not employed after 1.30 P.M., and may fix different days for different shop-assistants.

Under Section 11 there is a special exception for shops in holiday resorts during certain months of the year (see Appendix VI. (i)).

(b) *Intervals for Meals.*—By the combined operation of Section 1 and the 1st Schedule, intervals for meals must be allowed to each shop-assistant in conformity with the following rules: (1) No person is to be employed for more than 6 hours without an interval of at least 20 minutes being allowed for a meal during the course thereof. (2) Without prejudice to the foregoing rule, (a) where the hours of employment include the hours from 11.30 A.M. to 2.30 P.M. an interval of not less than three-quarters of an hour must be allowed between those hours for dinner; and (b) where the hours of employment include the hours from 4 P.M. to 7 P.M.



an interval of not less than half an hour must be allowed between those hours for tea ; and the interval for dinner must be increased to 1 hour in cases where the meal is not taken in the shop, or in a building of which the shop forms part or to which the shop is attached.

There are certain exceptions. This provision does not apply to a shop if the only persons employed as shop-assistants are members of the family of the occupier of the shop, maintained by him, and dwelling in his house.

Again, in place of the dinner interval between 11.30 and 2.30, the same interval may be allowed, either ending not earlier than 11.30 or beginning not later than 2.30, to an assistant employed in the sale of refreshments, or in the sale by retail of intoxicating liquors, and to assistants employed in any shop on the market-day in any town in which a market is held not oftener than once a week, or on a day on which an annual fair is held.

Further, by the Shops Act, 1913, the occupier of premises for the sale of refreshments is given the option, as regards shop-assistants employed wholly or mainly in connexion with the sale of intoxicating liquors or refreshments, of coming under alternative provisions contained in Section 1 of the Act, which will be found in Appendix VI. (i).

**Hours of Employment of Young Persons in Shops.**—Under Section 2 of the Act no person under the age of 18 years (referred to in the Act as a ‘ young person ’) is to be employed in or about a shop for a longer period than 74 hours, including meal times, in any one week.

No young person is, to the knowledge of the occupier of the shop, to be employed in or about a shop (a) having been previously on the same day employed in any factory or workshop, as defined by the Factory and Workshop Act, 1901, for the number of hours permitted by that Act ; or (b) for a longer period than will, together with the time during which he has been previously employed on the same day in a factory or workshop, complete such number of hours as aforesaid.

In every shop in which a young person is employed the occupier of the shop must keep exhibited in a conspicuous



place a notice referring to the provisions of this section, and stating the number of hours in the week during which a young person may lawfully be employed in or about the shop.

This section is to apply to wholesale shops and to warehouses in which assistants are employed for hire, but not to any person wholly employed as a domestic servant.

**Closing of Shops.**—Besides these provisions for the protection of individual shop-assistants, the Shops Act, 1912, contains provisions under which every shop, save for exceptions allowed by the Act, must be closed for the serving of customers not later than 1 P.M. on one week-day in every week ; closing orders may also be made fixing the hours on the several days of the week at which, either throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers, but the hour fixed by the Closing Order is not to be earlier than 7 P.M. on any day of the week. The provisions of the Act in these respects are set out in Appendix VI. (i).

**Seats for Female Assistants in Shops.**—Under Section 3 of the Shops Act, 1912, in all rooms of a shop where female shop-assistants are employed in the serving of customers, the occupier of the shop must provide seats behind the counter, or in such other position as may be suitable for the purpose, and such seats must be in the proportion of not less than one seat to every three female shop-assistants employed in each room.

## CHAPTER XII

### PARTICULARS OF WORK AND WAGES

THE introduction of piece-work puts wages on a new basis, and amongst other things it means that the calculation of wages becomes, or may become, a matter so complicated as to give an educated master a considerable advantage over his incompletely educated work-people. At a very early stage in factory industry the device was introduced of giving out with the work a note or ticket containing particulars as to the work to be done and the wages to be paid. The Arbitration Act of 1824 (Section 18) provided "that with every piece of work given out by the manufacturer to workmen to be done, there shall, *if both parties are agreed*, be delivered a note or ticket in such form as the said parties shall mutually agree upon, and which said note or ticket, in the event of dispute between the manufacturer and workman, shall be evidence of all matters and things mentioned therein, or respecting the same."

**Hosiery Act, 1845, and Silk Weavers Act, 1845.**—The first instance of an employer being compelled to give a ticket containing particulars of work to be done and wages to be paid is furnished by the Hosiery Act, 1845, certain sections of which are still in force.

In the 1st Section it is enacted that when any manufacturer of hosiery, or the agent of any such manufacturer, gives out to a workman the materials to be wrought, such manufacturer or agent shall at the same time deliver to such workman a printed or written ticket, signed by such manufacturer, containing the particulars of the agreement between

such manufacturer and such workman as in the Schedule to the Act ; and such manufacturer or agent delivering such ticket shall make or cause to be made, and shall preserve until the work contracted to be done shall have been completed or paid for, a duplicate of such note or ticket. Under Sections 2 and 3, in the event of any dispute between the manufacturer or his agent and the workman, such ticket and the duplicate shall be required to be produced, and shall, together or either of them, be evidence of all things mentioned therein or respecting the same, but where the subject of dispute relates to the alleged improper or imperfect execution of any work delivered to a manufacturer or his agent, such piece of work shall be produced in order to adjudication, or if not produced, shall be deemed and taken to have been sufficiently and properly executed.

The 4th Section imposes a penalty on the manufacturer for non-delivery of a ticket. The 9th Section defines a 'manufacturer' as 'any person furnishing the materials or work to be wrought into hosiery goods, to be sold or disposed of on his own account' ; an 'agent' as 'any person conveying or delivering the same to the workman' ; and 'workman' as 'any person actually employed in the manufacture of the same.'

The Schedule to the Act will be found in Appendix XII. (a).

On much the same lines is the Silk Weavers Act, 1845. This enacts that when any manufacturer of silk goods or of goods made of silk mixed with other materials, or the agent of any such manufacturer, gives out to a weaver of such goods a piece of warp to be woven, such manufacturer or agent shall at the same time deliver to such weaver (unless both parties shall by writing under their respective hands agree to dispense therewith) a printed or written ticket signed by such manufacturer or agent containing the following particulars of the agreement between such manufacturer or agent and such weaver (that is to say) :

The count or richness of the warp or cane.

The number of shoots or picks required in each inch.

The number of threads of weft to be used in each shoot.

The name of the manufacturer or the style of the firm under which he carries on business.

The weaver's name, with the date of the engagement.

And the price in sterling money agreed on for executing each yard imperial standard measure of thirty-six inches of such work in a workman-like manner.

The provisions as to duplicate tickets, the admission of the tickets as evidence, and the production of alleged bad work are the same as in the Hosiery Act, 1845.

**The Factory Acts.**—By the Factory and Workshop Act, 1891, particulars were made compulsory in textile factories. In the Factory and Workshop Act, 1901, the section as to ' particulars ' still relates only to textile factories, but since 1895 the Secretary of State has had power to extend these provisions by Special Order to non-textile factories, and to any class of workshops except men's workshops, and considerable use has been made of this power.

The provisions of the Act will first be set out, and then a summary of the Special Orders will be given.

**'Particulars' in Textile Factories.**—Under Section 116—

(1) In every textile factory the occupier must, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

(a) In the case of weavers in the worsted and woollen, other than the hosiery, trades, the particulars of the rate of wages applicable to the work done by each weaver, shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible.

(b) In the case of weavers in the cotton trade, the particulars of the rate of wages applicable to the work to be done by each weaver shall be furnished to him in writing at the time when the work is given out to him, and the basis and conditions by which the prices are regulated and fixed shall also be exhibited in each room on a placard not containing

any other matter, and posted in a position where it is easily legible.

(c) In the case of every other worker, the particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him ; provided that if the same particulars are applicable to the work to be done by each of the workers in one room it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible.

(d) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him.

(e) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols.

(f) Where an automatic indicator is used for ascertaining work, the indicator shall have marked on its case the number of teeth in each wheel and the diameter of the driving roller, except that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller.

(g) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room, in pursuance of an agreement between employers and workmen, and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with this section.

(2) If the occupier fails to comply with the requirements of this section, or fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any workman fraudulently alters an automatic indicator, the occupier or workman, as the case may be, shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent con-

viction within two years from the last conviction for that offence not less than one pound. Provided that an indicator shall not be deemed false if it complies with the requirements of this section.

(3) If any one engaged as a worker in a factory, having received any such particulars, whether they are furnished directly to him or to a fellow-workman, discloses the particulars for the purpose of divulging a trade secret, he shall be liable to a fine not exceeding ten pounds.

(4) If any one for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in a factory to disclose any such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for disclosing any such particulars, he shall be liable to a fine not exceeding ten pounds.

(5) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by Special Order, apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case. He may also by any such order apply those provisions, subject to such modifications as may, in his opinion, be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of this Act relating to out-workers, and to the employers of those persons.

Again, under Section 117 every Act for the time being in force relating to weights and measures is to extend to weights, measures, scales, balances, steelyards, and weighing-machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if the factory or workshop were a place where goods are kept for sale, and every such Act is to apply accordingly, and every inspector of, or other person authorised to inspect or examine weights and measures, is to inspect, stamp, mark, search for, and

examine the said weights and measures, scales, balances, steelyards, and weighing-machines accordingly, and for that purpose is to have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards and weighing-machines used in the sale of goods.

**'Particulars' elsewhere than in Textile Factories.**—The Secretary of State, on being satisfied by the report of an inspector that the provisions given above are applicable to any class of non-textile factories, or to any class of workshops other than men's workshops, may, if he thinks fit, by Special Order, apply those provisions to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case. He may also by any such Order apply those provisions, subject to such modifications as may, in his opinion, be necessary for adapting them to the circumstances of the case, to any class of persons of whom lists may be required to be kept under the provisions of the Act relating to outworkers (see p. 194), and to the employers of those persons.

By an Order made in 1898, the provisions set out above were applied without modification to the class of textile workshops in which is carried on the preparing, manufacturing, or finishing, or any process incident to the manufacture of cotton, wool, hair, silk, flax, hemp, jute, tow, China grass, cocoanut fibre, or other like material, either separately or mixed together, or mixed with any other material or any fabric made thereof, provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works are not to be included.

Since 1898 various Special Orders have been made, all of which modify the provisions set out above. The substantial modifications contained in the eighteen Orders now in force are set out in Appendix VII. (b).

The following industries, in all cases so far as carried on in factories and workshops, and in some cases so far as regards outworkers also, are now subject to the obligation to furnish 'particulars.' They are mainly non-textile industries, and

are additional to the textile industries, whether carried on in factories or workshops, already mentioned.

Making of pens.

Making of locks, latches, and keys.

Making of iron and steel cables and chains.

Making of iron and steel anchors and grapnels.

Making of cart gear (including swivels, rings, loops, gear, buckles, mullin bits, hooks, and attachments of all kinds.

Making of felt hats.

Making or repairing of umbrellas, sunshades, parasols, or parts thereof.

Making of artificial flowers.

Fustian cutting.

Making of tents.

Making or repairing of sacks.

Making of rope or twine.

Covering of racquet or tennis balls.

Making of paper bags.

Making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material.

Making of brushes.

Relief stamping.

Warehouse processes in the manufacture of articles of food, drugs, perfumes, blacking, or other boot and shoe dressings, starch, blue, soda, or soap.

Making of nets other than wire nets.

Pea-picking.

Mixing, casting, and manufacturing of brass and of any articles or parts of articles of brass, and the electro depositing of brass (including in the term brass any alloy or compound of copper with zinc and tin), except when carried on as a subsidiary process in ship-building yards or in marine locomotive or other engine-building works, or in general engineering works or in machine tool works.

Making, altering, ornamenting, finishing, and repairing of wearing apparel.

Manufacture of cartridges.

Manufacture of tobacco.

Bleaching and dyeing.

Printing of cotton cloth.

Making of iron safes.

Making up, ornamenting, finishing, and repairing of table linen, bed linen, or other household linen (including in the term linen articles of cotton or cotton and linen mixtures).

Making of curtains and furniture hangings.

Processes incidental to the making of lace.

Making of files.

Manufacture of toy balloons, pouches, and footballs from india-rubber.

Laundries.



Manufacture of chocolates and sweetmeats and any work incidental thereto.

Non-textile factories and workshops which are shipbuilding yards so far as concerns the work of persons employed in the building or repairing of a ship.

Non-textile factories and workshops in which iron or steel founding is carried on, so far as concerns the work of all persons employed as moulders.

## CHAPTER XIII

### THE GENERAL PROVISIONS OF THE FACTORY ACT

THE provisions of the Factory Act set out in Chapter XI. do not apply directly to male persons above the age of 18 years, but in so far as their labour is dependent on the work done in the same factory or workshop by women and young persons, these male persons may be indirectly affected by these provisions. The limitation of the working day for women has in many instances brought about a limitation of the working day for men. The men fought the battle of hours 'behind the women's petticoats.' In certain other matters this phrase is even more expressive of the position of the adult male worker. Many of the general provisions of the Factory Act apply to workshops in which men are working with women or young persons or children, but do not apply to workshops 'conducted on the system of not employing any woman, young person, or child therein' (Section 157). It should be noted that men's factories are not specially treated but only men's workshops. In the present chapter the general provisions of the Factory Act are dealt with, and provisions which do not apply to men's workshops will be specially noted to that effect.

### GENERAL PROVISIONS AS TO HEALTH

**Factories other than Domestic Factories (Class A).—(1)** Under Section 1 a factory must be kept in a cleanly state, and for that purpose all the inside walls of the rooms, and all the ceilings or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages

and staircases, if they have not been painted with oil or varnished once at least within seven years, shall be lime-washed once at least within every fourteen months, to date from the time when they were last limewashed ; and if they have been so painted or varnished shall be washed with hot water and soap once at least within every fourteen months, to date from the time when they were last washed.

Certain exceptions have been allowed by Special Orders, and details of these are set out in Appendix VIII. (*a*).

(2) A factory must be kept free from effluvia arising from any drain, water-closet, earth-closet, privy, urinal, or other nuisance.

(3) A factory must not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein.

Overcrowding is defined for both factories and workshops by a later section, summarised below.

(4) A factory must be ventilated in such a manner as to render harmless, as far as practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

This provision only relates to the ventilation necessary for guarding against impurities produced by trade processes ; ventilation rendered necessary by the aggregation of persons in one room is provided for separately (see below).

These provisions are in substitution for corresponding provisions in the Public Health Act, 1875.

**Workshops and Domestic Factories (Class B).**— The cleanliness of workshops is left to be enforced under the terms of the Public Health Act, 1875, strengthened by Section 2 of the Factory Act. With the exception of one point, which will be dealt with immediately below, the substance of the requirements for classes (A) and (B) are the same. The difference between the classes is that these sanitary provisions are enforced as to class (A) by the Factory Inspector and as to class (B) by the Local Authority, but with certain powers in reserve given to the Factory Inspector.

The substantial difference is as to the periodic lime-

washing and washing of class B. A discretion as to this is left to the owner or occupier, but where on the certificate of a Medical Officer of Health or Inspector of Nuisances it appears to any District Council<sup>1</sup> that the limewashing, cleansing, or purifying of any such workshop or of any part thereof is necessary for the health of the persons employed therein, the Council must give notice in writing to the owner or occupier of the workshop to limewash, cleanse, or purify the same within a specified time. A person in default is liable to a fine, and the Council may, if they think fit, cause the workshop to be limewashed, cleaned, or purified, and may recover the expenses from the person in default.

Care has been taken to see that Local Authorities fulfil their duties on the following lines :

(1) The Local Authority may be superseded by a Home Office Order.

Under Section 4, if the Secretary of State is satisfied that the provisions of the Factory Act or of the law relating to public health, in so far as it affects factories, workshops, and workplaces, have not been carried out by any District Council, he may by order authorise an inspector to take, during such period as may be mentioned in the Order, such steps as appear necessary or proper for enforcing those provisions.

An Order of this kind would be a public condemnation of the Local Authority, and it is therefore not surprising that so far there has been no occasion for a Secretary of State to exercise this power.

(2) The inspector may act in defined cases of neglect of duty by the Local Authority.

Under Section 5, where it appears to an inspector that any act, neglect, or default in relation to any drain, water-closet, earth-closet, privy, ash-pit, water-supply, nuisance, or other matter in a factory or workshop is punishable or remediable under the law relating to public health, but not under the Factory Act, he must give notice in writing of the

<sup>1</sup> This term includes City and Town Councils as well as urban and rural District Councils, but as it is not now in popular use in this sense the term Local Authority has been substituted for it except where the wording of the Act is actually being followed.

act, neglect, or default to the District Council in whose district the factory or workshop is situate, and thereupon the District Council must make such inquiry into the subject of the notice and take such action as seems to the Council proper for the purpose of enforcing the law, and must inform the inspector of the proceedings taken in consequence of the notice.

An inspector may, for this purpose, take with him into a factory or workshop a Medical Officer of Health, Inspector of Nuisances, or other officer of the District Council.

Where an inspector has given notice to a District Council, and proceedings are not taken within one month for punishing or remedying the act, neglect, or default, the inspector may take proceedings and may recover from the District Council all such expenses in and about the proceedings as the inspector incurs, and as are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

#### SPECIAL PROVISIONS AS TO HEALTH

The following provisions are applicable to factories and workshops other than men's workshops.

**Reasonable Temperature.**—Under Section 6, in every factory and workshop adequate measures must be taken for securing and maintaining a reasonable temperature in each room in which any person is employed, but the measures so taken must not interfere with the purity of the air.

**Ventilation.**—Under Section 7, in every room in any factory or workshop sufficient means of ventilation must be provided, and sufficient ventilation must be maintained.

The Secretary of State may by Special Order prescribe a standard of sufficient ventilation for any class of factories and workshops, and under this provision the means of ventilation to be provided and maintained in every textile factory, not being a cotton cloth factory, in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and in which special rules or regulations with respect to humidity are not for the time being in force, must

be such as to supply during working hours not less than 600 cubic feet of fresh air per hour for each person employed.

The obligation is primarily on the occupier, but to carry it out may involve the occupier in the kind of outlay which is usually borne by the owner rather than the occupier of a building. The right is therefore given to an occupier to make an application to the magistrates for such order concerning the expenses or their apportionment as appears to the Court to be just and equitable under the circumstances of the case, regard being had to the terms of any contract between the parties.

**Drainage of Floors.**—Under Section 8, in every factory or workshop or part thereof in which any process is carried on which renders the floor liable to be wet to such an extent that the wet is capable of being removed by drainage, adequate means must be provided for draining off the wet.

**Sanitary Conveniences.**—Under Section 9, every factory and workshop (not situate in the administrative county of London or any place where the Public Health Acts Amendment Act, 1890, Section 22, has been adopted) must be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are or are intended to be employed or in attendance, with proper separate accommodation for persons of each sex.

By Special Order (1903, No. 89), suitable and sufficient accommodation has been defined as follows :

(1) In factories or workshops where females are employed or in attendance there must be one sanitary convenience for every 25 females.

In factories or workshops where males are employed or in attendance there must be one sanitary convenience for every 25 males, provided that :

(a) In factories or workshops where the number of males employed or in attendance exceeds 100, and sufficient urinal accommodation is also provided, it shall be sufficient if there is one sanitary convenience for every 25 males up to the first 100 and one for every 40 after.

(b) In factories or workshops where the number of males employed or in attendance exceeds 500, and the District Inspector of Factories certifies in writing that, by means of a check system or otherwise, proper supervision and control in regard to the use of the conveniences are exercised by officers specially appointed for that purpose, it shall be sufficient if one sanitary convenience is provided for every 60 males, in addition to sufficient urinal accommodation. Any certificate given by an inspector shall be kept attached to the general register, and shall be liable at any time to be revoked by notice in writing from the inspector.

In calculating the number of conveniences required by this Order, any odd number of persons less than 25, 40, or 60, as the case may be, shall be reckoned as 25, 40, or 60.

(2) Every sanitary convenience shall be kept in a cleanly state, shall be sufficiently ventilated and lighted, and shall not communicate with any workroom, except through the open air or through an intervening ventilated space, provided that in workrooms in use prior to January 1, 1903, and mechanically ventilated in such manner that air cannot be drawn into the workroom through the sanitary convenience, an intervening ventilated space shall not be required.

(3) Every sanitary convenience shall be under cover and so partitioned off as to secure privacy, and if for the use of females shall have a proper door and fastenings.

(4) The sanitary conveniences in a factory or workshop shall be so arranged and maintained as to be conveniently accessible to all persons employed therein at all times during their employment.

(5) Where persons of both sexes are employed, the conveniences for each sex shall be so placed or so screened that the interior shall not be visible, even when the door of any convenience is open, from any place where persons of the other sex have to work or pass ; and if the conveniences for one sex adjoin those for the other sex the approaches shall be separate.

## GENERAL PROVISIONS AS TO SAFETY IN FACTORIES

**Fencing of Machinery.**—Under Section 10, with respect to the fencing of machinery in a factory, the following provisions apply :

(a) Every hoist or teagle and every flywheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not, and every part of any waterwheel or engine worked by any such power must be securely fenced.

(b) Every wheel-race not otherwise secured must be securely fenced close to the edge of the wheel-race.

(c) All dangerous parts of the machinery and every part of the mill-gearing must either be securely fenced, or be in such position or of such construction as to be equally safe to every person employed or working in the factory as it would be if it were securely fenced ; and

(d) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.

**Steam-boilers.**—Under Section 11, (1) every steam-boiler used for generating steam in a factory or workshop, whether separate or one of a range, must

(a) have attached to it a proper safety-valve and a proper steam-gauge and water-gauge to show the pressure of steam and the height of water in the boiler, and

(b) be examined thoroughly by a competent person at least once in every fourteen months.

(2) Every such boiler, safety-valve, steam-gauge, and water-gauge must be maintained in proper condition.

(3) A report of the result of every such examination in the prescribed form, containing the prescribed particulars, must within fourteen days be entered into or attached to the general register of the factory or workshop, and the report



must be signed by the person making the examination, and if that person is an inspector of a boiler-inspecting company or association, by the chief engineer of the company or association.

An exception is made of the boilers of locomotives in the hands of a railway company and of boilers in the service of His Majesty.

In the case of a tenement factory or workshop, the obligation under these provisions is on the owner and not the occupier.

**Self-acting Machines.**—Under Section 12, (1) in a factory erected on or after January 1, 1896, the traversing carriage of any self-acting machine must not be allowed to run out within a distance of 18 inches from any fixed structure not being part of the machine, if the space over which it runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise ; but in the case of a self-acting cotton-spinning or woollen-spinning machine it may be allowed to run out within a distance of 12 inches from any part of the head-stock of another such machine.

(2) A person employed in a factory must not be allowed to be in the space between the fixed and the traversing parts of a self-acting machine unless the machine is stopped with the traversing part on the outward run, but for the purpose of this provision the space in front of a self-acting machine shall not be included in the space aforesaid.

(3) A woman, young person, or child must not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power.

**Cleaning Machinery in Motion.**—The varying restrictions on cleaning machinery in motion imposed on children, young persons, and women will be found in Chapters X. and XIII.

**Means of Escape in Case of Fire.**—Legislation was at first mainly directed to new buildings, and requirements still differ according to the age of the buildings concerned. Under Section 14, in the case of—

(a) Factories, the construction of which was commenced on or after January 1, 1892, and in which more than 40 persons are employed, and

(b) Every workshop of which the construction was commenced on or after January 1, 1896, and in which more than 40 persons are employed,

there must be a certificate from the District Council<sup>1</sup> of the district in which the factory or workshop is situate, that the factory or workshop is provided with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case.

It is the duty of the Council to examine every such factory and workshop, and, on being satisfied that the factory or workshop is so provided, to give such a certificate. This must specify in detail the means of escape so provided.

(c) As to all other factories and workshops in which more than 40 persons are employed, it is the duty of the District Council from time to time to ascertain whether all such factories and workshops within their district are provided with such means of escape as aforesaid, and, in the case of any factory or workshop which is not so provided, to serve on the *owner* a notice in writing specifying the measures necessary for providing the means of escape, and requiring him to carry them out before a specified date, under a penalty for every day's default after such date.

Differences of opinion between an owner and a District Council are, on the application of either party, to be settled by arbitration. Claims by an owner that an occupier should bear the whole or a part of the expense are to be settled in the County Court, by the making, after hearing the occupier, of such an Order as appears to the Court just and equitable under all the circumstances of the case.

In the case of all three classes the means of escape in case of fire provided in any factory or workshop must be maintained in good condition and free from obstruction. For the purposes of these requirements the whole of a tenement factory or workshop is to be deemed one factory or workshop.

<sup>1</sup> See note to p. 177.

Under Section 15, in order to facilitate the execution of these duties by District Councils, power is given to them, in addition to any powers which they possess with reference to the prevention of fire, to make bye-laws providing for means of escape from fire in the case of any factory or workshop.

**Provisions as to Doors.**—Under Section 16, while any person employed in a factory or workshop (not being a men's workshop) is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, must not be locked or bolted or fastened in such a manner that they cannot be easily and immediately opened from the inside.

In every factory or workshop (not being a men's workshop) the construction of which was commenced on or after January 1, 1896, the doors of each room in which more persons than ten are employed, must, except in the case of sliding-doors, be constructed so as to open outwards.

**Prohibition of the Use of Dangerous Machinery.**—Under Section 17 a Court of Magistrates may, on complaint by an inspector, and on being satisfied that any part of the ways, works, machinery, or plant (including a steam-boiler used for generating steam) used in a factory or workshop (not being a men's workshop) is in such a condition that it cannot be used without danger to life or limb, by order prohibit its use, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered.

Where a complaint has been made under this section, the Court or one magistrate may, on application *ex parte* by the inspector, and on receiving evidence that the use of any such part of the ways, works, machinery, or plant involves imminent danger to life, make an interim order prohibiting, either absolutely or subject to conditions, the use thereof until the earliest opportunity for hearing and determining the complaint.

**Prohibition of the Use of Unhealthy or Dangerous Workplaces.**—Under Section 18 a Court of Magistrates may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory

or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or life or limb, by order prohibit the use of that place for the purpose of that process or handicraft until such works have been executed as are in the opinion of the Court necessary to remove the danger.

Proceedings must not be taken by an inspector where proceedings might be taken by or at the instance of any District Council<sup>1</sup> under the provisions of the law relating to public health unless the inspector is acting owing to the default of the District Council as to workshops (see p. 177 *supra*).

#### PROVISIONS AS TO ACCIDENTS

**Notice of certain Accidents to be given.**—The Notice of Accidents Act, 1906, by Section 4 repealed Section 19 of the Act of 1901, and substituted therefor the following enactment: Where any accident occurs in a factory or workshop which is either—

- (a) An accident causing loss of life to a person employed in the factory or workshop ; or
- (b) An accident due to any machinery moved by mechanical power, or to molten metal, hot liquid, explosion, escape of gas or steam, or to electricity, and so disabling any person employed in the factory or workshop as to cause him to be absent throughout at least one whole day from his ordinary work ; or
- (c) An accident due to any other special cause which the Secretary of State may specify by Order, and causing such disablement as aforesaid ; or
- (d) An accident disabling for more than seven days a person employed in the factory or workshop from working at his ordinary work,

written notice of the accident, in such form and accompanied by such particulars as the Secretary of State prescribes, must forthwith be sent to the inspector of the district, and also in the case of the accidents mentioned in paragraphs (a) and (b),

<sup>1</sup> See note to p. 177.

and (if the Order of the Secretary of State specifying the special cause so requires) of accidents mentioned in paragraph (c), to the certifying surgeon of the district.

If any accident causing disablement is notified, and after notification results in the death of the person disabled, notice in writing of the death shall be sent to the inspector as soon as the death comes to the knowledge of the occupier of the factory or workshop.

If any notice with respect to an accident in a factory or workshop required to be sent by this section is not sent, the occupier of the factory or workshop is liable to a fine not exceeding £10.

If any accident to which this section applies occurs to a person employed in a factory or workshop the occupier of which is not the actual employer of the person killed or injured, the actual employer must immediately report the same to the occupier, and in default is liable to a fine not exceeding £5.

Under Section 5 of the same Act, if the Secretary of State considers that, by reason of the risk of serious injury to persons employed, it is expedient that notice should be given under the Act in every case of any special class of explosion, fire, collapse of buildings, accidents to machinery or plant, or other occurrences in a mine or quarry (excluding, since the passing of the Coal Mines Act, 1911, mines within the scope of that Act) or in a factory or workshop, including any place which, for the purpose of the provisions of the Act of 1901 with respect to accidents, is a factory or workshop, or is included in the word 'factory' or 'workshop,' or is part of a factory or workshop, the Secretary of State may by Order extend the provisions of the Act requiring notice of accidents to be given to an inspector to any such class of occurrences, whether personal injury or disablement is caused or not, and where any such Order is made, the provisions of the Act shall have effect as extended by the Order. The Secretary of State may by any such Order allow the required notice of any occurrence to which the Order relates, instead of being sent forthwith, to be sent within the time limited by the Order.

By a Special Order (1906, No. 933) the Secretary of State

has extended the provisions of the Act of 1906 to the following classes of occurrences :

All cases of—

Bursting of a revolving vessel, wheel, emery wheel, or grindstone moved by mechanical power ;

Breaking of a rope, chain, or other appliance used in raising or lowering persons or goods by aid of mechanical power ;

Fire affecting any room in which persons are employed and causing complete suspension of ordinary work therein for not less than 24 hours.

**Investigation by Certifying Surgeon.**—Under Section 20 of the Act of 1901, where a certifying surgeon receives the required notice of an accident, he must, with the least possible delay, proceed to the factory or workshop, and make a full investigation as to the nature and cause of the death or injury caused by the accident, and send a report to the inspector within the next 24 hours.

**Attendance at Inquest.**—Under Section 21, where death has occurred by accident in a factory or workshop (other than a men's workshop), the coroner shall forthwith advise the district inspector of the time and place of holding the inquest.

If the accident has occasioned the death of more than one person, then, unless an inspector or some person on behalf of the Secretary of State is present to watch the proceedings, the coroner must adjourn the inquest, and must, at least four days before holding the adjourned inquest, send the inspector notice in writing of the time and place of holding the adjourned inquest.

If the accident has only occasioned the death of one person, and the coroner's notice has been sent at such time as to reach the inspector not less than 24 hours before the time of holding the inquest, it shall not be imperative to adjourn the inquest if the majority of the jury think it unnecessary so to adjourn.

The following people are to be at liberty to attend at the inquest, and either in person or by counsel, solicitor, or agent to examine any witness (but subject to the order of the coroner), namely, (a) any relative of the deceased, (b) any inspector, (c) the occupier of the factory or workshop in which

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the accident occurred, and (*d*) any person appointed by the order in writing of the majority of the workpeople employed in the factory or workshop.

**Formal Investigations of Accidents.**—Under Section 22 the Secretary of State may direct a formal investigation to be held as to any accident occurring in a factory or workshop, and its causes and circumstances.

A competent person is to be appointed to hold the investigation, and he may be assisted by an assessor or assessors possessing legal or special knowledge. These persons constitute 'the Court.' The investigation is held in open Court, in such manner and under such conditions as the Court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the Court to make its report.

The Court has the powers of a Court of Magistrates, and of an inspector, and certain other powers for procuring evidence.

The Court must make a report to the Secretary of State, stating the causes of the accident and its circumstances, and adding any observations which the Court thinks right to make.

The Secretary of State may cause any special report of an inspector or any report of an investigating Court to be made public at such time and in such manner as he may think fit. Section 22 is given in full in Appendix VIII. (*b*).

These reports often serve as the basis for further legislation.

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**Notification of Industrial Diseases.**—Under Section 73 every medical practitioner attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorous, arsenical or mercurial poisoning, or anthrax contracted in any factory or workshop, must send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient, and the disease from which the patient is suffering. For this he is entitled to a fee of half a crown.



Written notice of every case of lead, phosphorous, or arsenical or mercurial poisoning, or anthrax occurring in a factory or workshop must immediately be sent to the inspector and to the certifying surgeon for the district, and the provisions with respect to accidents apply to any such case.

**Ventilation by Fan in certain Processes.**—Under Section 74, if in a factory or workshop (other than a men's workshop) where grinding, glazing, or polishing on a wheel, or any process is carried on by which dust, or any gas, vapour, or other impurity is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may direct that a fan or other mechanical means of a proper construction for preventing such inhalation be provided within a reasonable time.

**Provision of Lavatories, etc.**—Under Section 75, in every factory or workshop (other than a men's workshop) where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences must be provided for the use of the persons employed in any department where such substances are used.

In any factory or workshop (other than a men's workshop) where lead, arsenic, or any other poisonous substance is so used as to give rise to dust or fumes, a person must not be allowed to take a meal, or to remain during the time allowed to him for meals, in any room in which any such substance is used, and suitable provision must be made for enabling the persons employed in such rooms to take their meals elsewhere in the factory or workshop.

**Women, Young Persons, and Children.**—The special restrictions imposed on women, young persons, and children in unhealthy or dangerous industries are stated in Chapters X. and XIII.

**Regulations for Dangerous Trades.**—About forty processes are now worked under regulations specially drawn up for each process, in view of certain dangers to health involved therein. Room can only be found here for a description of



the procedure by which these regulations are framed, and a list of the processes now under regulation. The actual regulations will be found in Appendix VIII. (*d*).

**Power to make Regulations.**—Under Section 79, where the Secretary of State is satisfied that any manufacture, machinery, plant, process, or description of manual labour, used in factories or workshops, is dangerous or injurious to health, or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, he may certify that manufacture, machinery, plant, process, or description of manual labour to be dangerous; and thereupon he may, subject to the provisions of the Act, make such regulations as appear to him to be reasonably practicable and to meet the necessity of the case. It should be noted that these powers can be exercised in the fullest possible manner for the protection of men, and as an example reference should be made to paragraph 25 of the Pottery Regulations (see p. 504).

Certificates have been given that the following processes are dangerous :

- Aerated water, bottling of, etc.
- Arsenic, extraction of.
- Brass, casting of.
- Bricks, glazing with use of lead.
- Bronzing with dry metallic powders in letterpress printing.
- Camel-hair, sorting, etc.
- Chemical works, processes in.
- Chromate or bichromate of potassium or sodium, manufacture of.
- Docks, loading and unloading at, etc.
- Earthenware and china, manufacture and decoration of.
- Electric accumulators, manufacture of.
- Electricity, use of, in factories.
- Enamelling, vitreous, of metal or glass.
- Explosives, manufacture of (with use of di-nitro-benzol, etc.).
- Felt hats, manufacture of (with aid of inflammable solvent).
- File cutting by hand.
- Flax and tow, spinning and weaving.
- Goat-hair, sorting, etc.
- Grinding of metals and racing of grindstones.
- Hemp and jute, spinning and weaving of, etc.
- Hides and skins, sorting foreign.
- Horse-hair from China, Siberia, or Russia, use of.
- India-rubber, vulcanising, etc.

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Lead, smelting of materials containing ; manufacture of red or orange lead and flaked litharge.

Lead, white, manufacture of.

Locomotives on sidings.

Mules, self-acting, in process of spinning in textile factories.

Nitro- and amido- derivatives of benzene, manufacture of, etc.

Paints and colours, manufacture of.

Patent fuel (briquettes), manufacture with addition of pitch.

Pottery, manufacture and decoration of.

Quarries, processes in.

Tinning of metal articles.

Transfers, making in china and earthenware works.

Wool-sorting, etc.

Yarn dyed by means of a lead compound, heading of.

Under Section 112, if any manufacture, process, or description of manual labour, which in pursuance of Section 79 has been certified to be dangerous, is carried on in a domestic factory or workshop, all the provisions of this Act shall apply as if the place were a factory or workshop other than a domestic factory or workshop.

**Procedure for making Regulations.**—Under Section 80, the Secretary of State must first publish notice of the proposal to make the Regulations and of the place where copies of the Draft Regulations may be obtained, and of the time (not less than twenty-one days) within which any objection made by or on behalf of persons affected must be sent to him.

Every objection must be in writing and state—

(a) The Draft Regulations or portions thereof objected to,

(b) The specific grounds of objection, and

(c) The omissions, additions, or modifications asked for.

The Secretary of State is bound to consider these objections, and if, as a result, he amends the Draft Regulations, the procedure starts afresh. If he does not see his way to amendment, then, unless the objection is either withdrawn or appears to him to be frivolous, he must, before making the Regulations, direct an inquiry to be held. In other words, he must satisfy all serious objectors or hold an inquiry.

**Inquiries.**—Under Section 81 the inquiry is held by a competent person, appointed by the Secretary of State, and called in the rules laid down for inquiries ‘the Commissioner.’ The inquiry must be held in public, and the chief inspector

and any objector and any other person who in the opinion of the Commissioner is affected by the Draft Regulations may appear at the inquiry either in person, or by counsel, solicitor, or agent.

The witnesses may be examined on oath.

Other points of procedure are to be settled by rules made by the Secretary of State.

The existing rules are set out in Appendix VIII. (c).

**Scope of Regulations.**—Under Sections 82 and 83 the Regulations may apply to all the factories and workshops in which the manufacture, machinery, plant, process, or description of manual labour certified to be dangerous is used, or to any specified class of such factories or workshops. They may provide for the exemption of any specified class of factories or workshops either absolutely or subject to conditions. Examples of exemptions may be found in Appendix VIII. (d).

The Regulations may apply to tenement factories and tenement workshops, and in such case may impose duties on occupiers who do not employ any person, and on owners. Regulations may (a) prohibit the employment of, or modify or limit the period of employment of all persons or any class of persons in any trade certified to be dangerous, (b) prohibit, limit, or control the use of any material or process, and (c) modify or extend any special Regulations for any class of factories or workshops contained in the Act itself. Examples of the use of all these powers may be found in Appendix VIII. (d).

**Parliamentary Control.**—Under Section 84, Regulations can, within a certain time, be annulled by either House of Parliament (see p. 25).

**Publication of Regulations.**—Under Section 86, (1) notice of any Regulations and of the place where copies of them can be purchased must be published in the *London, Edinburgh, and Dublin Gazettes*. (2) Printed copies of all Regulations for the time being in force in any factory or workshop must be kept posted up in legible characters in conspicuous places in the factory or workshop, where they may be conveniently read by the persons employed. (3) A

printed copy of all such Regulations must be given by the occupier to any person affected thereby on his or her application. (4) Courts of law must take judicial notice of Regulations for the time being in force. In other words, the Court is assumed to know the Regulations.

#### HOME-WORK AND DOMESTIC FACTORIES AND WORKSHOPS

**Scope of Part VI. of the Factory Act, 1901.**—Certain special provisions as to home-work are contained in Part VI. of the Act (Sections 107-115), but the classes of work to which they were to be applicable were left to be defined by Special Order. Except as otherwise expressly mentioned, these provisions at the present time apply to the following classes of work :

The making, cleaning, washing, altering, ornamenting, finishing, and repairing of wearing apparel.

The making, ornamenting, mending, and finishing of lace and of lace curtains and nets.

*Cabinet and furniture making* and upholstery work.

*The making of electro-plate.*

*The making of files.*

Fur-pulling.

*The making of iron and steel cables and chains.*

*The making of iron and steel anchors and grapnels.*

*The making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds.*

*The making of locks, latches, and keys.*

The making or repairing of umbrellas, sunshades, parasols, or parts thereof.

The making of artificial flowers.

The making of nets other than wire nets.

The making of tents.

The making or repairing of sacks.

The covering of racquet or tennis balls.

The making of paper bags.

The making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material.

The making of brushes.

Pea-picking.

Feather-sorting.

The carding, boxing, or packeting of buttons, hooks and eyes, pins, and hair-pins.

The making of stuffed toys.

The making of baskets.

The making of chocolates or sweetmeats.

The making or filling of Cosaques, Christmas crackers, Christmas stockings, or similar articles or parts thereof.

The weaving of any textile fabric.

And any processes incidental to the above.

**Lists of Outworkers.**—As to these classes of work the occupier of every factory and workshop and every contractor employed by any such occupier in the business of the factory or workshop must—

(a) Keep in the prescribed form and manner, and with the prescribed particulars, lists showing the names and addresses of all persons directly employed by him, either as workmen or contractors, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed ;

(b) Send to an inspector such copies of or extracts from those lists as the inspector may from time to time require ; and

(c) Send on or before February 1 and August 1 in each year copies of those lists to the District Council<sup>1</sup> of the district in which the factory or workshop is situate.

As the work may be given out in one district and performed in another district, while the lists have only to be supplied to the District Council for the former district, an obligation is imposed on a District Council to examine these lists, and furnish the name and place of employment of every outworker included in any such list whose place of employment is outside its district to the Council of the district in which his place of employment is.

The lists kept by the occupier or contractor shall be open to inspection by any inspector under the Act, and by any officer duly authorised by the District Council, and the copies sent to the Council and the particulars furnished by one Council to another shall be open to inspection by any inspector under the Act.

These provisions apply to any place from which any work is given out (*e.g.* a shop) and to the occupier of that place, and to every contractor employed by any such occupier in connexion with the said work as if that place were a workshop (Section 107).

<sup>1</sup> See note to p. 177.

**Employment of Persons in Unwholesome Premises.**—The lists of outworkers are sent to a District Council as the public health authority for the district. As such health authority, it will have knowledge of insanitary buildings and of notifiable infectious diseases, and it must correlate its information and act accordingly.

If the District Council, within whose district is situate a place in which work is carried on for the purpose of or in connexion with the business of a factory or workshop, give notice in writing to the occupier of the factory or workshop, or to any contractor employed by any such occupier, that that place is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor, after the expiration of one month from receipt of the notice, gives out work to be done in that place, and the place is found by the Court having cognisance of the case to be so injurious or dangerous, he is liable to a fine not exceeding £10.

This provision also applies to the occupier of any place from which any work is given out (Section 108).

**Making of Wearing Apparel.**—If the occupier of a factory or workshop or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired in any dwelling-house or building occupied therewith whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house and could not reasonably have been expected to become aware of it, he is liable to a fine not exceeding £10 (Section 109).

**Powers of District Councils where there is Infectious Disease.**—The following provision applies to the classes of work set out in the last preceding list with the exception of those printed in italics:

‘Infectious diseases’ means for the purpose of this provision such infectious diseases as are required to be notified under the law for the time being in force in relation to the notification of infectious diseases.

If any inmate of a house is suffering from an infectious

disease, the District Council of the district in which the house is situate may make an order forbidding any work to which this provision applies to be given out to any person living or working in that house, or such part thereof as may be specified in the order, and any order so made may be served on the occupier of any factory or workshop, or any other place from which work is given out, or on the contractor employed by any such occupier.

The order may be made notwithstanding that the person suffering from an infectious disease may have been removed from the house, and the order must be made either for a specified time or subject to the condition that the house or part thereof liable to be infected shall be disinfected to the satisfaction of the Medical Officer of Health, or that other reasonable precautions shall be adopted (Section 110).

In any case of urgency the powers conferred on the District Council by this provision may be exercised by any two or more members of the Council acting on the advice of the Medical Officer of Health.

**Domestic Factories and Workshops.**—The rest of Part VI. deals with the application to these workplaces of the general provisions of the Act as to hours of employment, intervals for meals, etc., and with dangerous processes and definitions of terms, and has already been included in the treatment of these subjects in preceding pages.

## CHAPTER XIV

### SPECIAL MODIFICATIONS, ETC. OF THE FACTORY ACT

SECTIONS 87 to 106 of the Factory and Workshop Act, 1901, deal in detail with the exceptional position of (1) tenement factories, (2) cotton cloth and other humid factories, (3) bakehouses, (4) laundries, (5) docks, (6) buildings in course of construction, and (7) railways. In 1907 there was further legislation as to laundries, and in 1911 as to cotton cloth factories.

In this chapter we shall also state the effect of the Notice of Accidents Act, 1894, so far as later legislation has left it in force. That Act now only applies to (*a*) the construction, use, working, or repair of any railway, tramroad, tramway, canal, bridge, tunnel, or other work authorised by any local or personal Act of Parliament, and (*b*) the use or working of any traction engine or other engine or machine worked by steam in the open air.

### TENEMENT FACTORIES

**Duties of Owner.**—Section 87 of the Act of 1901 is as follows :

(1) The owner (whether or not he is one of the occupiers) of a tenement factory shall, instead of the occupier, be liable for the observance, and punishable for non-observance, of the following provisions of this Act, namely, the provisions with respect to—

(i.) The cleanliness, freedom from effluvia, overcrowding and ventilation of factories, contained in Section 1 of the



Act, including, so far as they relate to any engine-house, passage, or staircase, or to any room which is let to more than one tenant, the provisions with respect to limewashing and washing of the interior of a factory.

(ii.) The fencing of machinery, and penal compensation for neglect to fence machinery in a factory, except so far as relates to such parts of the machinery as are supplied by the occupier.

(iii.) The notices to be affixed in a factory with respect to the period of employment, times for meals, and system of employment of children.

(iv.) The prevention of the inhalation of dust, gas, vapour, or other impurity, so far as that provision requires the supply of pipes or other contrivances necessary for working the fan or other means for that purpose ; and

(v.) The affixing of an abstract and notices in a factory.

Provided that any occupier may affix in his own tenement the notice with respect to the period of employment, times for meals, and system of employment of children, and thereupon that notice shall, with respect to persons employed by that occupier, have effect in substitution for the corresponding notice affixed by the owner.

(2) The provisions of the Act with respect to the power to make orders in the case of dangerous premises shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(3) In the case of any tenement factory or class of tenement factories used wholly or partly for the weaving of cotton cloth, the owner shall, if the Secretary of State by Order so directs, be substituted for the occupier for the purpose of the requirements of Section 7 and Section 94 of the Act or of any Order of the Secretary of State with respect to ventilation.

(4) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of the Act, any summons, notice, or proceeding, which for the purpose of any of those provisions is by the Act required or authorised to be served on or taken in relation to the occupier, is hereby required or authorised

(as the case may be) to be served on or taken in relation to the owner.

**Regulations as to Grinding of Outlery.**—Section 88 provides that (1) where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the Regulations set forth in the 3rd Schedule (see Appendix IX. (a)).

(2) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such part of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3) In every tenement factory where grinding of cutlery is carried on, the owner of the factory shall provide that there shall at all times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4) A tenement factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

(5) This section shall not apply to a textile factory.

**Certificate of Fitness.**—Section 89 provides that a certificate of the fitness of any young person or child for employment in a tenement factory shall be valid for his similar employment in any part of the same tenement factory.

#### COTTON CLOTH AND OTHER HUMID FACTORIES

Under the Factory and Workshop (Cotton Cloth Factories) Act, 1911, the Secretary of State may make Regulations for the purpose of giving effect to such of the recommendations contained in the second report, dated January 1911, of the Committee appointed by the Secretary of State on November 27, 1907, to inquire into the question of humidity and ventilation in cotton cloth factories, as he may deem necessary for the protection of health in cotton cloth factories, and any

Regulations so made are to have effect as if embodied in Part V. of the Act of 1901, and may be substituted for the provisions contained in Sections 90, 91, 92, 94, and the 4th Schedule of that Act or any of those provisions.

Section 95 of the Act of 1901 is to apply to any contravention of or non-compliance with any Regulations so made, but it is to be read as if twenty-four months were substituted for twelve months.

These powers were exercised by Regulations (S.R. and O., 1911, No. 1259) dated December 21, 1911, which are set out in Appendix IX. (b).

Section 93 of the Act of 1901 and Section 95 of the same Act (amended by the Act of 1911) deal with artificial humidity and penalties.

Under Section 93, (1) the occupier of every cotton cloth factory in which humidity of the atmosphere is produced by any artificial means whatsoever (except by gas used for lighting purposes only) shall, at or before the time at which such artificial production of humidity is commenced, give notice thereof in writing to the Chief Inspector of Factories.

(2) Every factory in respect of which any such notice has been given shall be visited by an inspector once at least in every three months. The inspector shall examine into the temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, or shall report to the Chief Inspector of Factories in the prescribed form.

(3) If at any time the occupier of any factory in respect of which any such notice has been given ceases to produce humidity by artificial means, he may give notice in writing of such cessation, and from the date of that notice, and so long as humidity is not artificially produced in the factory, the provisions of this section shall not apply to that factory.

Section 95, as amended, provides that if in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the provisions with regard to cotton cloth factories, the inspector shall give notice in writing to the occupier of the factory of the acts or omissions constituting the contravention or non-compliance; and if those acts or omissions, or any of them, are continued or not remedied,

or are repeated within twenty-four months after the notice has been given, the occupier of the factory shall be liable, for the first offence to a fine not less than five pounds and not exceeding ten pounds, and for every subsequent offence to a fine not less than ten pounds and not exceeding twenty pounds.

Finally, Section 96 provides for the application of certain of these provisions to other humid factories. It enacts that the provisions of the Act with respect to cotton cloth factories shall apply to every textile factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and in which Regulations under Part IV. of the Act with respect to humidity are not for the time being in force, but subject to the following qualifications, namely :

(a) The Secretary of State may by Special Order modify the provisions of the 4th Schedule to the Act with respect to the maximum limits of humidity ;

(b) The reading of the thermometer between 7 and 8 o'clock in the forenoon shall not be required ; and

(c) Section 94, respecting Regulations for the protection of health in cotton cloth factories, shall not apply ; and

(d) The Regulations in Section 92 distinguished as (b), (c), (d), and (e) which are required to be observed with reference to the employment of thermometers shall not apply to cotton-spinning mills.

Certain modifications made under clause (a) will be found in Appendix IX. (c).

### BAKEHOUSES

**Sanitary Regulations.**—Under Section 97, (1) it shall not be lawful to let or suffer to be occupied or to occupy any room or place as a bakehouse unless the following Regulations are complied with :

(a) A water-closet, earth-closet, privy, or ashpit must not be within or communicate directly with the bakehouse.

(b) Every cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying water to a water-closet.

(c) A drain or pipe for carrying off fæcal or sewage matter must not have an opening within the bakehouse.

(2) If any person lets or suffers to be occupied or occupies any room or place as a bakehouse in contravention of this section he shall be liable to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

**Penalty for Insanitary Bakehouses.**—Under Section 98, (1) where a Court of Summary Jurisdiction<sup>1</sup> is satisfied, on the prosecution of an inspector or a District Council,<sup>2</sup> that any room or place used as a bakehouse is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable to a fine not exceeding, for the first offence, forty shillings, and for any subsequent offence five pounds.

(2) The Court of Summary Jurisdiction, in addition to or instead of inflicting a fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The Court may, on application, enlarge the time so named, but if after the expiration of the time as originally named or enlarged by subsequent order the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that the non-compliance continues.

**Limewashing, Painting, and Washing.**—Under Section 99, (1) all the inside walls of the rooms of a bakehouse, and all the ceiling or tops of those rooms (whether those walls, ceilings, or tops are plastered or not), and all the passages and staircases of a bakehouse, must either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed ; and

(a) Where the bakehouse is painted with oil or varnished, there must be three coats of paint or varnish, and the paint or varnish must be renewed once at least in every seven

<sup>1</sup> A non-technical term for such a court is a Court of Magistrates, and where the terminology of the Act is not being followed, the latter term is used in this book.

<sup>2</sup> See note to p. 177.

years, and must be washed with hot water and soap once at least in every six months ; and

(b) Where the bakehouse is limewashed, the limewashing must be renewed once at least in every six months.

(2) A bakehouse in which there is a contravention of this section shall be deemed not to be kept in conformity with the Act.

**Provision as to Sleeping-places.**—Under Section 100, (1) a place on the same level with a bakehouse, and forming part of the same building, may not be used as a sleeping-place, unless it is constructed as follows ; that is to say :

(a) is effectually separated from the bakehouse by a partition extending from the floor to the ceiling ; and

(b) has an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

(2) If any person lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section he shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for any subsequent offence five pounds.

**Prohibition of Underground Bakehouses.**—Under Section 101, (1) an underground bakehouse shall not be used as a bakehouse unless it was so used at the passing of the Act.

(2) Subject to the foregoing provision, after the first day of January, one thousand nine hundred and four, an underground bakehouse shall not be used unless certified by the District Council<sup>1</sup> to be suitable for that purpose.

(3) For the purpose of this section an underground bakehouse shall mean a bakehouse, any baking-room of which is so situate that the surface of the floor is more than three feet below the surface of the footway of the adjoining street, or of the ground adjoining or nearest to the room. The expression “ baking-room ” means any room used for baking, or for any process incidental thereto.

(4) An underground bakehouse shall not be certified as suitable unless the District Council is satisfied that it is

<sup>1</sup> See note to p. 177.

suitable as regards construction, light, ventilation, and in all other respects.

(5) This section shall have effect as if it were included among the provisions relating to bakehouses which are referred to in Section 26 of the Public Health (London) Act, 1891.

(6) If any place is used in contravention of this section it shall be deemed to be a workshop not kept in conformity with this Act.

(7) In the event of the refusal of a certificate by the District Council, the occupier of the bakehouse may, within twenty-one days from the refusal, by complaint apply to a Court of Summary Jurisdiction,<sup>1</sup> and if it appears to the satisfaction of the Court that the bakehouse is suitable for use as regards construction, light, ventilation, and in all other respects, the Court shall thereupon grant a certificate of suitability of the bakehouse, which shall have effect as if granted by the District Council.

(8) Where any place has been let as a bakehouse, and the certificate required by this section cannot be obtained unless structural alterations are made, and the occupier alleges that the whole or part of the expenses of the alterations ought to be borne by the owner, he may by complaint apply to a Court of Summary Jurisdiction, and that Court may make such order concerning the expenses or their apportionment as appears to the Court to be just and equitable, under the circumstances of the case, regard being had to the terms of any contract between the parties, or in the alternative the Court may, at the request of the occupier, determine the lease.

**Retail Bakehouses.**—Under Section 102, as respects every retail bakehouse, the provisions of this part of this Act shall be enforced by the District Council of the district in which the retail bakehouse is situate, and not by an inspector; and for the purposes of this section the Medical Officer of Health of the District Council shall have and may exercise all the powers of entry, inspection, taking legal proceedings and otherwise of an inspector.

<sup>1</sup> See note to p. 202.



In this section the expression “ retail bakehouse ” means any bakehouse or place, not being a factory, the bread, biscuits, or confectionery baked in which are sold, not wholesale, but by retail, in some shop or place occupied with the bakehouse.

### LAUNDRIES

For the definition of a laundry under the Factory and Workshop Act, 1907, see p. 357, and for hours of employment, etc., see p. 160.

**Special Regulations.**—Under the Act of 1907, Section 3, in every laundry :

(a) If mechanical power is used, a fan or other efficient means shall be provided, maintained, and used for regulating the temperature in every ironing room, and for carrying away the steam in every wash-house.

(b) All stoves for heating irons must be sufficiently separated from any ironing room or ironing table, and gas irons emitting any noxious fumes must not be used ; and

(c) The floors must be kept in good condition and drained in such manner as will allow the water to flow off freely.

A laundry in which there is a contravention of any of these provisions shall be deemed to be a factory or workshop not kept in conformity with the Act of 1901.

### INSTITUTIONS

Under the Act of 1907, Section 5, (1) where in any premises forming part of an institution carried on for charitable or reformatory purposes, and not being premises subject to inspection by or under the authority of any Government Department, any manual labour is exercised in or incidentally to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale of articles not intended for the use of the institution, the provisions of the Act of 1901<sup>1</sup> shall, subject to the provisions of the Act of 1907, apply to those premises, notwithstanding

<sup>1</sup> In the rest of this subdivision the Act of 1901 is spoken of as the principal Act.



ing that the work carried on therein is not carried on by way of trade or for the purposes of gain, or that the persons working therein are not working under a contract of service or apprenticeship.

(2) If in any institution to which this section applies the persons having the control of the institution (hereinafter referred to as the managers) satisfy the Secretary of State that the only persons working therein are persons who are inmates of and supported by the institution, or persons engaged in the supervision of the work or the management of machinery, and that such work as aforesaid is carried on in good faith for the purposes of the support, education, training, or reformation of persons engaged in it, the Secretary of State may by Order direct that so long as the Order is in force the principal Act shall apply to the institution subject to the following modifications :

(a) The managers may submit for the approval of the Secretary of State a scheme for the regulation of the hours of employment, intervals for meals, and holidays of the workers, and of the education of children, and, if the Secretary of State is satisfied that the provisions of the scheme are not less favourable than the corresponding provisions of the principal Act, the Secretary of State may approve the scheme, and upon the scheme being so approved the principal Act shall, until the approval is revoked, apply as if the provisions of the scheme were substituted for the corresponding provisions of the principal Act ; any scheme when so approved shall be laid as soon as possible before both Houses of Parliament, and if either House, within the next forty days after such scheme has been laid before that House, resolve that the scheme ought to be annulled, the scheme shall, after the date of the resolution, be of no effect without prejudice to the validity of anything done in the meantime thereunder, or to the making of any new scheme.

(b) The medical officer of the institution (if any) may, on the application of the managers, be appointed by the Chief Inspector of Factories to be the certifying surgeon for the institution.

(c) The provisions of Section 128 of the principal Act as

to the affixing of an abstract of the principal Act and of notices shall not apply, but amongst the particulars required to be shown in the general register there shall be included the prescribed particulars of the scheme, or where no scheme is in force the prescribed particulars as to hours of employment, intervals for meals, and holidays, and education of children, and other matters dealt with in the principal Act.

(d) In the case of premises forming part of an institution carried on for reformatory purposes, if the managers of the institution so give notice to the Chief Inspector of Factories, an inspector shall not, without the consent of the managers or of the person having charge of the institution under the managers, examine an inmate of the institution save in the presence of one of the managers or of such person as aforesaid.

Provided that the Secretary of State, on being satisfied that there is reason to believe that a contravention of the principal Act is taking place in any such institution, may suspend the operation of this provision as respects that institution to such extent as he may consider necessary.

(e) The managers shall not later than the fifteenth day of January in each year send to the Secretary of State a correct return in the prescribed form, specifying the names of the managers and the name of the person (if any) having charge of the institution under the managers, and such particulars as to the number, age, sex, and employment of the inmates and other persons employed in the work carried on in the institution as the Secretary of State may require, and shall, if any requirement of this paragraph is not complied with, be liable to a fine not exceeding five pounds.

Under the Act of 1907, Section 6, where in any premises which are subject to inspection by or under the authority of any Government department any manual labour is exercised, otherwise than for the purposes of instruction, in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of any article, and the premises do not constitute a factory or workshop by reason that the work carried on therein is not carried on by way of trade or for the purposes of gain, or by reason that the

persons employed in the work are not working under a contract of service or apprenticeship, the Secretary of State may arrange with the department that the premises shall, as respects the matters dealt with by the principal Act, be inspected by an inspector appointed under that Act, and where such an arrangement is made, inspectors appointed under the principal Act shall have, as respects such matters as aforesaid, the like right of entry and inspection as is conferred on inspectors of the department concerned.

### Docks

Under Section 104 of the Act of 1901, (1) the provisions of the Act with respect to—

(i.) Power to make orders as to dangerous machines (Section 17) ;

(ii.) Accidents ;

(iii.) Regulations for dangerous trades ;

(iv.) Powers of inspectors (Section 119) ; and

(v.) Fines in case of death or injury (Section 136) ;

shall have effect as if every dock, wharf, quay, and warehouse, and all machinery or plant used in the process of loading or unloading or coaling any ship in any dock, harbour, or canal were included in the word “ factory,” and the purpose for which the machinery or plant is used were a manufacturing process ; and as if the person who, by himself, his agents, or workmen uses any such machinery or plant for the before-mentioned purpose were the occupier of the premises ; and for the purpose of the enforcement of those provisions the person having the actual use or occupation of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof, and the person so using any such machinery or plant shall be deemed to be the occupier of a factory.

(2) For the purposes of this section the expression “ plant ” includes any gangway or ladder used by any person employed to load or unload or coal a ship, and the expressions “ ship ” and “ harbour ” have the same meaning as in the Merchant Shipping Act, 1894.

## BUILDINGS

Under Section 105, (1) the provisions of the Act with respect to—

(i.) Power to make orders as to dangerous machines (Section 17);

(ii.) Accidents;

(iii.) Regulations for dangerous trades;

(iv.) Powers of inspectors (Section 119); and

(v.) Fines in case of death or injury (Section 136);

shall have effect as if any premises on which machinery worked by steam, water, or other mechanical power is temporarily used for the purpose of the construction of a building or any structural work in connexion with a building were included in the word “factory” and the purpose for which the machinery is used were a manufacturing process, and as if the person who, by himself, his agents, or workmen, temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises; and for the purpose of the enforcement of those provisions the person so using any such machinery shall be deemed to be the occupier of a factory.

(2) The provisions of this Act with respect to notice of accidents, and the formal investigation of accidents, shall have effect as if—

(a) Any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding, and

(b) Any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages, were included in the word “factory,” and as if, in the first case, the employer of the persons engaged in the construction or repair, and, in the second case, the occupier of the building, were the occupier of a factory.

## RAILWAYS

Under Section 106, (1) where any line or siding not being part of a railway within the meaning of the Railway

Employment (Prevention of Accidents) Act, 1900, is used in connexion with a factory or workshop, or with any place to which any of the provisions of this Act are applied, the provisions of this Act with respect to—

(i.) Power to make orders as to dangerous machines (Section 17) ;

(ii.) Accidents ;

(iii.) Regulations for dangerous trades ;

(iv.) Powers of inspectors (Section 119) ; and

(v.) Fines in case of death or injury (Section 136) ;

shall have effect as if the line or siding were part of the factory or workshop.

(2) If any such line or siding is used in connexion with more than one factory or workshop belonging to different occupiers, the foregoing provisions shall have effect as if the line or siding were a separate factory.

#### THE NOTICE OF ACCIDENTS ACT, 1894

The very limited operation of this Act has been explained and defined at p. 197 above. Under Section 1 and an amending section of the Notices of Accidents Act, 1906, where there occurs in any employment to which the section applies any accident which causes to any person employed therein either loss of life or such bodily injury as to cause him to be absent throughout at least one whole day from his ordinary work, his employer must, as soon as possible, and in case of an accident not resulting in death, not later than six days after the occurrence of the accident, send to the Board of Trade notice in writing of the accident, specifying the time and place of its occurrence, its probable cause, the name and residence of any person killed or injured, the work on which any such person was employed at the time of the accident, and in the case of an injury, the nature of the injury.

The penalty for wilful default in complying with these requirements is a fine not exceeding forty shillings.

Under Section 3 the Board of Trade has power to direct the holding of a formal investigation of the accident, and

of its causes and circumstances. This section is drawn on practically the same lines as Section 22 of the Factory and Workshop Act, 1901 (see p. 188), with the substitution of the Board of Trade for a Secretary of State, and the powers of an inspector under the Railway Regulation Acts for the powers of an inspector under the Factory and Workshop Act.

## CHAPTER XV

### THE ADMINISTRATION OF THE FACTORY ACT

THE administration of the Factory Act is in the hands of 'the Secretary of State,' which in practice means the Home Secretary and the Home Office, and a staff of inspectors and certifying surgeons. Certain matters are left to the care of Local Authorities, and as long as they do their duty the central authority need not interfere. The subject will therefore be considered in this order : administration by the central authority, and administration by local authorities. At the end of the chapter there will be found some statistics as to administration.

#### ADMINISTRATION BY THE CENTRAL AUTHORITY

**Appointment and Duties of Inspectors.**—Under Section 118, the Secretary of State, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors and such clerks and servants as he thinks necessary for the execution of the Act, and may assign to them their duties and award them their salaries, and may appoint a chief inspector with an office in London, and may regulate the cases and manner in which the inspectors or any of them are to execute and perform the powers and duties of inspectors under the Act, and may remove such inspectors, clerks, and servants.

For Wales and Monmouthshire preference is to be given to inspectors having a knowledge of the Welsh language.

A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process

or business carried on therein, or in a patent connected therewith, or is employed in or about a factory or workshop, must not act as an inspector.

Such annual report of the proceedings of the inspectors as the Secretary of State directs is to be laid before both Houses of Parliament.

**Powers of Inspectors.**—Under Section 119, an inspector, for the purpose of the execution of the Act, has power to do all or any of the following things, namely :

(a) To enter, inspect, and examine at all reasonable times, by day and night, a factory and a workshop, and every part thereof, when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop ; and

(b) To take with him in either case a constable into a factory or workshop in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty ; and

(c) To require the production of the registers, certificates, notices, and documents kept in pursuance of the Act, and to inspect, examine, and copy the same ; and

(d) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein ; and

(e) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated ; and

(f) To examine, either alone or in the presence of any other person, as he thinks fit, with respect to matters under the Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require every such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined ; and



(g) To exercise such other powers as may be necessary for carrying the Act into effect.

Again, the occupier of every factory and workshop, his agents and servants, must furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under the Act in relation to that factory or workshop.

Further, if any person wilfully delays an inspector in the exercise of any power under this section, or fails to comply with the requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of the Act to produce, or conceals or prevents, or attempts to conceal or prevent, a woman, young person, or child from appearing before or being examined by an inspector, that person shall be deemed to obstruct an inspector in the execution of his duties under the Act ; but no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

Lastly, where an inspector is obstructed in the execution of his duties, the person obstructing him is liable to a fine not exceeding five pounds ; and where an inspector is so obstructed in a factory or workshop, other than a domestic factory or a domestic workshop, the occupier of that factory or workshop is liable to a fine not exceeding five, or where the offence is committed at night twenty, pounds ; and where an inspector is so obstructed in a domestic factory or a domestic workshop, the occupier is liable to a fine not exceeding one pound, or where the offence is committed at night five pounds ; and in the case of a second or subsequent conviction under this section in relation to a factory within two years from the last conviction for the same offence, a fine not less than one pound shall be imposed for each offence.

**Proceedings before Magistrates.**—Under Section 120 an inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel, or solicitor, or law agent, prosecute, conduct, or defend, before a Court of Summary Jurisdiction or Justice, any information,

complaint, or other proceeding arising under the Act, or in the discharge of his duty as inspector.

**Certificate of Appointment.**—Under Section 121 every inspector is to be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop must, if so required, produce the said certificate to the occupier.

**Appointment and Duties of Certifying Surgeons.**—Under Section 122, subject to such Regulations as may be made by the Secretary of State, an inspector may appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of the Act, and may revoke any such appointment.

Every appointment and revocation of appointment of a certifying surgeon may be annulled by the Secretary of State upon appeal to him for that purpose.

A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein, or in any process or business carried on therein, or in a patent connected therewith, must not be a certifying surgeon for that factory or workshop.

The Secretary of State may make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

Every certifying surgeon must, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child.

Every certifying surgeon must in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year and the results of the inspection.

**Poor Law Medical Officer as Certifying Surgeon.**—Under Section 123, where there is no certifying surgeon for a factory or workshop, the Poor Law medical officer for the district in which the factory or workshop is situate must act for the time being as the certifying surgeon for that factory or workshop.

**Fees of Certifying Surgeons.**—Under Section 124 the fees

to be paid to a certifying surgeon in respect of the examination of, and grant of certificates of fitness for employment for, young persons and children, shall be regulated as follows :

(a) The occupier of the factory may agree with the certifying surgeon as to the amount of the fees ;

(b) In the absence of agreement the fees are in accordance with the following scale :

(i.) when the examination is at the factory or workshop, then the fee is 2s. 6d. for each visit and 6d. for each person after the first five examined at that visit ; and also if the factory or workshop is more than one mile from the surgeon's residence, 6d. for each complete half-mile over and above the mile ;

(ii.) when the examination is not at the factory or workshop, but at the residence of the surgeon, or at some place appointed by the surgeon for that purpose, and that place, as well as the day and hour appointed for the purpose has been published in the prescribed manner, then the fee is 6d. for each person examined.

(c) The occupier must pay the fees on the completion of the examination, or if any certificates are granted, at the time at which the surgeon signs the certificates, or at any other time directed by an inspector.

These are the only fees payable by a factory occupier to a certifying surgeon. Other duties entitle the surgeon to fees from the Secretary of State, but it is not felt necessary to give these in detail.

**Powers of Local Authorities.**—Under Section 125, for the purpose of their duties with respect to workshops and workplaces under this Act, and under the law relating to public health, the District Council<sup>1</sup> and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings, or otherwise, as an inspector under this Act.

**Notice of Occupation.**—Under Section 127 every person must, within one month after he begins to occupy a factory or workshop, serve on the inspector for the district a written

<sup>1</sup> See note to p. 177.

notice containing the name of the factory or workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the person or firm under which the business of the factory or workshop is to be carried on.

Where an inspector receives notice in pursuance of this section with respect to a workshop, he must forthwith forward the notice to the District Council of the district in which the workshop is situate.

**Affixing of Abstract and Notices.**—Under Section 128 there must be affixed at the entrance of every factory and workshop (other than a men's workshop), and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop :

- (a) The prescribed abstract of the Act ; and
- (b) A notice of the name and address of the prescribed inspector ; and
- (c) A notice of the name and address of the certifying surgeon for the district ; and
- (d) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated ; and
- (e) Every notice and document required by the Act to be affixed in the factory or workshop.

**General Registers.**—Under Section 129, in every factory and workshop (other than a men's workshop) there must be kept a register, called the general register, showing in the prescribed form the prescribed particulars as to :

- (a) The children and young persons employed in the factory or workshop ; and
- (b) The lime-washing of the factory or workshop ; and
- (c) Every accident occurring in the factory or workshop of which notice is required to be sent to an inspector ; and
- (d) Every special exception of which the occupier of the factory or workshop avails himself ; and
- (e) Such other matters as may be prescribed.

Where any entry is required by the Act to be made in the General Register, the entry made by the occupier of a factory or workshop or on his behalf shall, as against him, be admissible as *prima facie* evidence of the facts therein stated, and the failure to make any entry so required with respect to the observance of any provision of the Act shall be admissible as *prima facie* evidence that that provision has not been observed.

The register is at all reasonable times to be open to inspection by the certifying surgeon of the district.

The occupier of a factory or workshop must send to an inspector such extracts from the General Register as the inspector from time to time requires for the execution of his duties under this Act.

**Periodical Return.**—Under Section 130 the occupier of every factory or workshop other than a men's workshop, must, on or before such days as the Secretary of State may direct, at intervals of not less than one nor more than three years, send to the Chief Inspector of Factories a correct return specifying, with respect to such day or days, or such period as the Secretary of State may direct, the number of persons employed in the factory or workshop, with such particulars as to the age, sex, and occupation of the persons employed as the Secretary of State may direct.

The occupier of any place to which any of the provisions of the Act apply must, if so required by the Secretary of State, make to the Chief Inspector of Factories a like return as is required to be made by this section.

**Certificates of Birth.**—Under Section 134, where the age of any young person under the age of 16 years or child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the employment in labour or elementary education of the young person or child, any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the register, under the Births and

Deaths Registration Acts, 1836 to 1874, of the birth of that young person or child ; and such form of requisition must on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

**Legal Proceedings and Fines.**—The punishment for a breach of the Act is a fine inflicted after proceedings before the magistrates (Court of Summary Jurisdiction). The maximum fine varies according to the gravity of the offence, and a summary of possible fines will be found in Appendix X. The following points may be specially noticed :

**Factory or Workshop not kept in Conformity with Act.**—Under Section 135 the Court of Summary Jurisdiction, in addition to or instead of inflicting a fine, may order certain means to be adopted by the occupier, within the time named in the Order, for the purpose of bringing his factory or workshop into conformity with the Act. The Court may, on application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent Order, the Order is not complied with, the occupier is liable to a fine not exceeding one pound for every day on which the non-compliance continues.

**Fines in Case of Death or Injury.**—Under Section 136, if any person is killed, or dies, or suffers any bodily injury or injury to health, in consequence of the occupier of a factory or workshop having neglected to observe any provision of the Act, or any regulation made in pursuance of the Act, the occupier of the factory or workshop is liable to a fine not exceeding one hundred pounds, and in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than one pound for each offence, and the whole or any part of the fine may be applied for the benefit of the injured person or his family, or otherwise as the Secretary of State determines :

Provided as follows :

(a) In the case of injury to health the occupier is not to be liable under this section unless the injury was caused directly by the neglect :

(b) The occupier is not to be liable to fine under this

section if an information against him for not observing the provision or regulation to the breach of which the death or injury was attributable, has been heard and dismissed previous to the time when the death or injury was inflicted.

**Fine on Parent.**—Under Section 138, if a young person or child is employed in a factory or workshop contrary to the provisions of the Act, the parent of the young person or child is liable to a fine not exceeding twenty shillings for each offence, unless it appears to the Court that the offence was committed without the consent, connivance, or wilful default of the parent.

If the parent of a child neglects to cause the child to attend school in accordance with the Act, he is liable to a fine not exceeding twenty shillings for each offence.

**Fine on Actual Offender, etc.**—Under Sections 140 and 141, where an offence, for which the occupier of a factory or workshop is liable under the Act to a fine, has in fact been committed by some agent, servant, workman, or other person, that agent, servant, workman, or other person is liable to the like fine as if he were the occupier.

Where the occupier of a factory or workshop is charged with an offence against the Act, he is entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge ; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the Court :

- (a) that he has used due diligence to enforce the execution of the Act ; and
- (b) that the said other person had committed the offence in question without his knowledge, consent, or connivance,

that other person must be summarily convicted of the offence, and the occupier shall be exempt from any fine. The person so convicted shall, in the discretion of the Court, be also liable to pay any costs incidental to the proceedings.

When it is made to appear to the satisfaction of an inspector at the time of discovering an offence :



- (a) that the occupier of the factory or workshop has used all due diligence to enforce the execution of the Act ; and
  - (b) by what person the offence has been committed ; and
  - (c) that it has been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders,
- the inspector must proceed against the person whom he believes to be the actual offender without first proceeding against the occupier of the factory or workshop.

#### ADMINISTRATION BY LOCAL AUTHORITIES

This heading consists mainly of a summary of what has already been said elsewhere. Under Section 2 certain sanitary provisions as to workshops are to be administered by the District Council<sup>1</sup> of the locality and their medical officer of health (see p. 176). Under Sections 14 and 15 District Councils have certain duties and powers as to the provision of means of escape in case of fire (see p. 182). Under Section 102 a retail bakehouse is to be under the District Council and not an inspector (see p. 204). Under Sections 107 to 110 certain duties are placed upon the District Council in respect of home-workers (see p. 194). The danger of administration by local authorities is that the authority may be composed of persons whose interests, direct and indirect, are in conflict with their duties, and it is therefore necessary to have powers in reserve in case of timid or insufficient local action.

Under Section 4 the Secretary of State has power to act in default of the local authority (see p. 177).

Under Section 5 an inspector has power to give notice to the District Council of sanitary defects which have come to his knowledge, and which they have power to deal with (see pp. 177-8).

Under Sections 131 and 132 every District Council must keep a register of all workshops situate within their district ; and the medical officer of health of every District Council,

<sup>1</sup> See note to p. 177.



in his annual report to them, must report specifically on the administration of the Act in workshops and workplaces, and he must send a copy of his annual report, or so much of it as deals with this subject, to the Secretary of State.

Under Section 133, where any woman, young person, or child is employed in a workshop in which no abstract of the Act is affixed as by the Act required, and the medical officer of the District Council becomes aware thereof, he must forthwith give written notice thereof to the inspector for the district.

#### STATISTICS AS TO ADMINISTRATION

Every year the Chief Inspector of Factories makes an annual report as to the work of his department and presents it to Parliament. The following information is taken from his report for the year 1913 :

At the end of the year 1913 the United Kingdom was divided into 62 districts, in charge of a staff of 217 inspectors and assistants, of whom 20 were women. They had under their charge over one hundred and twenty thousand factories, and over one hundred and fifty thousand workshops, exclusive of docks, wharves, quays, warehouses, buildings, railway lines and sidings, men's workshops, home-work premises, and workplaces under inspectors of mines. Some of these special classes are of considerable importance, thus docks, etc., number over four thousand, and warehouses over four thousand five hundred. The number of effective visits paid by the inspectors is about 50 per cent above the number of factories and workshops, but as some places are visited more than once a year it does not follow that every workplace is visited at least once a year ; apparently in 1913 about 9 per cent of them escaped a visit from the inspectors. These visits resulted in the issue of nearly two hundred thousand 'contravention notices.' Roughly one-fifth of these were in respect of the fencing of machinery, and one-fifth related to the posting of abstracts and keeping of registers. The other three-fifths are classified under 24 different headings, and no separate item reaches 10 per cent of the total. In most cases a notice of contravention is effective, and the

total number of prosecutions was 3872, from which 3740 convictions were obtained.

The report throws much light on the extent to which Special Orders have increased the scope of the Act.

Works under the Particulars Section (see Chapter XII.) now number thirty-seven thousand, of which only ten thousand are textile factories or workshops. In the last ten years the non-textile works brought under this Section have increased from 3355 to 27,024.

Works under regulations or special rules are over sixty-two thousand in number. Ten years ago they only numbered 8707. It should be noticed, however, that the electricity regulations account for over forty-two thousand workplaces.

Besides making visits, the inspectors are the recipients of notices as to overtime, variation of working hours, accidents, etc.

The total of these notices was over half a million, the largest classes being over two hundred thousand overtime reports, and nearly one hundred and eighty thousand notices of accidents from occupiers of workplaces.

The co-operation of inspectors with Local Authorities is shown by the fact that inspectors made over ten thousand representations to Local Authorities on sanitary matters under Section 5, and about thirteen hundred representations as to provision of means of escape in case of fire under Section 14, Sub-section 5. The adoption of by-laws regarding these means of escape in factories and workshops in which not more than 40 persons are employed (see Section 15 and p. 184), is becoming more general, and at the end of 1913 such by-laws, following closely a model code drawn up by the Home Office, were in force in the districts of 35 Local Authorities.

The number of certifying surgeons is 2364. The number of ordinary medical examinations made by them was as follows: In respect of children under 14 to be employed as half-timers, over forty thousand; in respect of young persons under 14, over ninety thousand; in respect of young persons between 14 and 16, nearly four hundred thousand.

Under various regulations and special rules, certifying surgeons have to examine medically certain classes of workers on account of the dangerous nature of the work on which they are engaged. There were about two hundred and thirty thousand of these examinations, as against one hundred and twenty thousand ten years ago.

## CHAPTER XVI

### THE MINING INDUSTRY

SINCE the year 1872 mines have been divided for the purposes of legislation into two classes : (a) Coal mines, and mines having many of the characteristics of coal mines, viz. mines of stratified ironstone, mines of shale, and mines of fire-clay ; and (b) metalliferous mines, a general class comprising all such mines as do not fall within the first class.

The working of coal mines is now mainly carried on under a consolidating Act passed in 1911, viz. the Coal Mines Act, 1911 (amended slightly by the Coal Mines Act, 1914), while metalliferous mines are still working under the Metalliferous Mines Regulation Act, 1872 (amended by three later and quite short Acts). The Coal Mines Act, 1911, left untouched the previous legislation as to Checkweighing.

It would be impossible, without devoting some hundreds of pages of this book to the subject, to give in detail the whole of the existing legislation as to mines, but at the same time there is much in mining legislation which is of interest to the student of industrial law, and accordingly a summary is given in this chapter of the existing law as to coal mines, metalliferous mines and quarries, with references to the documents which can furnish the reader with full details, while in Appendix XI. detailed matter of interest for purposes of comparison or for other reasons is set out in full. A brief sketch of the history of mining legislation is given in the next chapter.

#### LEGISLATION AS TO COAL MINES

**Definition of Coal Mines.**—The Coal Mines Act, 1911, applies (Section 1) to mines of coal, mines of stratified ironstone, mines of shale, and mines of fireclay.

**Management.**—Part I. (Sections 2-28) deals with the management of mines. Section 2 provides that every mine is to be under one manager, who shall be responsible for the control, management, and direction of the mine, and the owner or agent of every mine must appoint himself or some other person to be the manager of such mine, but the owner or agent of a mine required to be under the control of a manager shall not take any part in the technical management of the mine unless he is qualified to be a manager. A small mine (employing not more than thirty persons below ground) is exempt from this provision, unless the inspector of the division serves a notice in writing on the owner or agent requiring it to be under the control of a manager.

The qualifications of a manager are by Section 5 (*a*) the attainment of the age of 25 years, and (*b*) registration as the holder of a first-class certificate of competency under the Act.

The qualifications of an under-manager or manager of a mine which is not required to be under the control of a manager is registration as the holder of a first-class or second-class certificate of competency under the Act.

Section 3 provides that, in every mine required to be under the control of a manager, daily personal supervision must be exercised by the manager, and, where an under-manager has been appointed by the owner or agent of the mine, also by that under-manager. Special provision is made for the absence of the manager or under-manager on leave, or from sickness or other temporary cause.

By Section 4 no person who is the manager of a mine shall, without the approval of the inspector of the division, be the manager of any other mine required to be under the control of a manager if the aggregate number of persons employed underground in the mine of which he is manager and that other mine exceeds one thousand, or if all the shafts or adits for the time being in use in working the mine of which he is manager and that other mine do not lie within a circle having a radius not exceeding two miles. Also where any person is required to be the manager of two or more mines required to be under the control of a manager, a separate under-manager shall be appointed for each mine. There is further a qualified

power given to the Secretary of State to limit by Order the number of such mines for which a person may act as manager.

Section 6 provides for the notification of the names and addresses of managers, under-managers, and temporary managers to the inspector of the division.

Sections 7 to 13 provide for the grant of first-class and second-class certificates after the ascertainment of the fitness of candidates by a Board for Mining Examinations, and for the cancellation or suspension of certificates of unfit persons after a public inquiry. Section 11 is extended by the Act of 1914 to owners and agents.

Section 14 requires the appointment in writing by the manager of one or more competent persons, referred to in the Act as firemen, examiners, or deputies, to make such inspections and carry out such other duties as to the presence of gas, ventilation, state of roof and sides, and general safety (including the checking and recording of the number of persons under his charge) as are required by the Act and the Regulations of the mine. The district of a mine assigned to a fireman, examiner, or deputy, or any other duties undertaken by him, shall not be of such a size or character as would prevent him from carrying out in a thorough manner all his statutory duties. A fireman, examiner, or deputy must, under Section 15, be the holder either of a first- or second-class certificate of competency, or be 25 years old, and have had at least five years' practical experience underground in a mine, of which not less than two years have been at the face of the workings of a mine, and in addition hold certificates as to his ability to make accurate tests for inflammable gas, and as to his hearing and eyesight.

Section 16 provides for inspections on behalf of the workmen employed in a mine both periodically (once at least in every month) and when a notifiable accident has occurred.

Under Section 17, in addition to the reports specially required by the Act, it is the duty of every person on whom responsible duties are imposed with respect to safety or to the condition of the roadways, workings, ventilation, machinery, shafts, shot-firing, safety-lamps, electrical plant, or animals at a mine, and who shall be required to do so by

the Regulations of a mine, to make, at such intervals as may be fixed by the Regulations of the mine, in a book to be kept at the mine, full and accurate reports of the matters falling within the scope of his duties. Copies of the reports relating to inspections before commencing work and inspections during shifts must be posted up at the pit-head not later than 10 o'clock in the morning on the day following the day on which the reports are made, and remain posted for the next twenty-four hours.

Under Section 18 the owner, agent, or manager of every mine must, before January 21 in every year, send to the inspector of the division a correct return specifying, in respect of the preceding year, (a) particulars as to management, persons employed, minerals gotten, days worked, ventilation, explosives, coal-cutting machines and conveyors, safety-lamps, and electrical apparatus on forms as set out in the 1st Schedule to the Act; (b) such particulars as may be prescribed of all accidents which occurred in or about the mine during the year to which the return relates and disabled for more than seven days any person employed in or about the mine from working at his ordinary work; (c) such particulars as may be prescribed as to the supply and maintenance with respect to the mine of appliances for use in rescue work and ambulance appliances, the formation and training of rescue brigades, and the training of men in ambulance work; and (d) such other particulars as the Secretary of State may prescribe by Order made in the same way as general Regulations under the Act.

Section 19 deals with notices which must be given by the owner, agent, or manager of the mine to the inspector of the division when a new shaft, outlet, or seam is opened, or abandoned, or there is a change in the personnel of the management.

Section 20 requires the owner, agent, or manager of every mine to keep in the office at the mine an accurate plan of the workings of the mine, and a separate plan of the system of ventilation, each plan being on an adequate scale, and also a section of the strata sunk through or, if that is not reasonably practicable, a section of every seam.

Under Section 21, plans of an abandoned mine or seam must be sent to the Secretary of State.

Under Section 26, where any mine is abandoned or its working discontinued, at whatever time the abandonment or discontinuance occurred, it is the duty of the owner and of every other person interested in the minerals of the mine, to cause the top or entrance of every shaft and outlet to be kept surrounded by a structure of a permanent character sufficient to prevent accidents.

Under Section 27 the materials required for the support of the roofs and sides must be provided by and at the cost of the owner of the mine, and the firemen, examiners, or deputies, and all other officials of the mine shall be appointed and their wages paid by the owner, notwithstanding that the mine or any part of it is worked, or any part of the operations therein is carried on, by a contractor, and no such contractor, nor any person employed by him, is to be appointed manager, under-manager, or fireman, examiner, or deputy of the mine.

**Provisions as to Safety:** (a) *Ventilation*.—Section 29 prescribes a definite standard of ventilation in order that all shafts, roads, levels, stables, and workings of the mine shall be in a fit state for working and passing therein. Section 30 provides that, in addition to this obligation to provide an adequate amount of ventilation, general regulations shall provide for the classification of mines according to the amount of the inflammable and noxious gases in the main return airway, and for special ventilation based on such classification. Section 31 deals with ventilation by means of a fire, or by mechanical contrivances placed underground.

(b) *Safety-lamps, etc.*—Section 32 defines the places in which no lamp or light other than a locked safety-lamp is to be allowed or used. By Section 33 safety-lamps must be provided by the owner of the mine, and be of a type approved, as respects the class of mines to which the mine belongs, by the Secretary of State. Section 34 deals with the examination of safety-lamps before and after use, and their treatment while in use. Section 35 contains a prohibition against taking matches into a mine, or any con-



trivance for smoking, and powers to search workmen and officials.

(c) *Shafts and Winding*.—Sections 36 to 41 provide for adequate shafts or outlets, securely cased or lined, and securely fenced, and for proper winding apparatus for raising and lowering persons to and from the surface.

(d) *Travelling Roads and Haulage*.—Section 42 aims at the future provision of a travelling road for every seam distinct from the road for haulage. It has been slightly varied by the Coal Mines Act, 1914. Section 43 provides in detail for travelling on haulage roads. Section 44 makes compulsory the provision of refuge holes on haulage roads on a scale varying according to the gradient, or the rate of haulage, or the use of animal power for hauling. Under Section 45 a travelling road must be of adequate height, and if used by animals must be of sufficient dimensions to allow the animal to pass without rubbing itself or its harness against the roof or sides or the bars or props supporting the roof or sides. Sections 46 to 48 deal with the apparatus on haulage roads, their clearance, and the provision of means of signalling.

(e) *Support of Roof and Sides*.—This is provided for in detail in Sections 49 to 52 inclusive.

(f) *Signalling*.—Under Section 53 a uniform code of signals is to be prescribed by general Regulations. There must be in attendance at the top of every shaft by which any persons are about to be lowered into the mine a competent person for the purpose of receiving and transmitting signals, and as long as persons are in the mine below ground a competent person must be in constant attendance for that purpose at the top of the shaft from which such persons are to be raised, and at every entrance from the workings in which such persons are engaged into the shaft from which persons are raised. Under Section 54 such means of telephonic communication between different parts of a mine must be provided as may be required by the Regulations of the mine.

(g) *Machinery*.—The provisions as to fencing machinery and as to boilers contained in Sections 55 and 56 are on the

same lines as the provisions of the Factory Acts (see p. 181). Section 57 provides that the engineman in charge of the machinery for lowering and raising persons from and to the surface must be a competent male person not less than 22 years of age, and appointed in writing by the manager. It also contains provisions for his constant attendance while any person is below ground, and for his not being employed for more than eight hours a day. The machinery used on a haulage road must be in the charge of a competent male person not less than 18 years of age. Under Sections 56 and 58, after the passing of the Act, no steam-boiler may be placed underground in any mine, nor may any internal combustion engine be newly introduced underground except with the permission of the Secretary of State.

Under Section 59 every steam-engine room and boiler gallery and motor room in or about a mine must be provided with at least two proper means of egress.

(*h*) *Electricity*.—Under Section 60, electricity is not to be used in any part of a mine where, on account of the risk of explosion of gas or coal dust, its use would be dangerous to life. The inspector may require the owner to desist from using electricity in the mine or any part of it, and if there is a difference of opinion between them, the owner must comply with the inspector's request pending a settlement of the dispute in the manner provided by the Act.

Under certain circumstances the electric current must at once be cut off from all cables and other electrical apparatus.

(*i*) *Explosives*.—The Secretary of State may, under Section 61, by order of which notice may be given in such manner as he may direct, regulate the supply, use, and storage of any explosives at mines or any class of mines. No explosives are to be taken into or used in any mine except explosives provided by the owner, and the price, if any, charged by the owner to the workman for any explosives so provided shall not exceed the actual net cost to the owner.

(*j*) *Prevention of Coal Dust*.—Section 62 deals with the prevention of coal dust, and lays down five rules to be observed in every mine, unless the floor, roof, and sides of the roads are naturally wet throughout.

(*k*) *Inspections as to Safety*.—Sections 63 to 66 provide for inspections as to safety. Stations are to be appointed at the entrance to the mine, or to different parts of the mine, and no workman must pass beyond any such station until the part of the mine beyond that station has been examined and reported to be safe. Inspections before commencing work are to be made by firemen, examiners, or deputies within two hours before the commencement of the shift. A full and accurate report, specifying whether or not, and where, if any, noxious or inflammable gas was found, and whether or not any and, if any, what defects in roofs or sides and other sources of danger were observed, shall be recorded without delay in a book to be kept at the mine for the purpose, and accessible to the workmen, and such report is to be signed by, and be in the handwriting of the person who made the inspection. Inspections must be repeated during shifts, and in the case of a mine worked by a succession of shifts no place may remain uninspected for an interval of more than five hours. Competent persons appointed by the manager for the purpose must examine certain parts of the machinery once at least in every twenty-four hours, and other parts of the machinery, plant, and ways once at least in every week, and the reports of such persons must be recorded and signed by them without delay in a book to be kept at the mine for the purpose and accessible to the workmen.

(*l*) *Withdrawal of Workmen*.—Section 67 provides for the withdrawal of workmen if at any time it is found by the person in charge of the mine, or any part of it, that by reason of the prevalence of inflammable or noxious gases, or of any cause whatever, the mine or any place in the mine is dangerous. An inspection must then be made, and no workman must be readmitted for working purposes until such mine or place is reported by the fireman, examiner, or deputy not to be dangerous. If a workman discovers the presence of inflammable gas in his working-place, he must immediately withdraw and inform the fireman, examiner, or deputy.

(*m*) *Miscellaneous Provisions*.—Sections 68 to 75 deal with miscellaneous matters, such as accumulations of water, storage and use of inflammable material below ground, the

provision of means for extinguishing fire, the placing of a barometer, thermometer, and hygrometers in various places, wilful damage to appliances, the observance of directions, and penalties for non-compliance with the Act. Section 70 has been slightly varied by the Coal Mines Act, 1914. Under Section 73 no person is allowed to work as a coal or ironstone getter otherwise than under the supervision of a skilled workman until he has had two years' experience of such work under such supervision, or unless he has been previously employed for two years in or about the face of the workings, nor may a skilled workman have under his supervision at the same time more than one person who has not had such experience or been so employed.

**Provisions as to Health.**—Sections 76 to 79 are concerned with provisions as to health. General Regulations must be made with respect to the provision and use of sanitary conveniences in mines, both above and below ground.

Accommodation and facilities for taking baths and drying clothes must be provided at the mine if (a) a majority, ascertained by ballot, of two-thirds of certain workmen so desire, (b) such workmen undertake to pay half the cost of the maintenance of the accommodation and facilities to be provided, and (c) the estimated total cost of maintenance does not exceed threepence per man per week. Where any such accommodation and facilities have been provided, every such workman at the mine is liable to contribute a sum equal to one-half of the cost of maintenance (but not exceeding three-halfpence per man per week), and the owner may recover such contributions by deduction from the wages of the workmen, notwithstanding the provisions of any Acts relating to Truck or any contract to the contrary.

The workmen to whom this provision applies are all workmen employed underground, and all workmen engaged on the surface in handling tubs, screening, sorting, or washing coal, or loading coal into wagons.

Under certain conditions the provision of these facilities may be discontinued.

A water-jet or spray or other means equally efficient to prevent the escape of dust into the air must be used when a

drill worked by mechanical power is drilling ganister, hard sandstone, or other highly silicious rock, the dust from which is liable to give rise to fibroid phthisis.

Every case of any disease occurring in a mine and occasioned by the nature of the employment (being a disease specified in an Order made by the Secretary of State for the purpose) must forthwith be reported in writing to the inspector, and the provisions of the Act with respect to the notification of accidents shall apply to any such case.

**Provisions as to Accidents:** (a) *Notification.*—Under Section 80 notification of accidents is required where, in or about any mine, whether above or below ground, any accident occurs which

(i.) Causes loss of life to any person employed in or about the mine ;

(ii.) Causes any fracture of the head or of any limb, or any dislocation of a limb, or any other serious personal injury to any person employed in or about the mine ;

(iii.) Is caused by any explosion of gas, or coal dust, or any explosive, or by electricity, or by overwinding, or by any other such special cause as the Secretary of State specifies by Order, and causes any personal injury whatever to any person employed in or about the mine.

The notification must be sent forthwith to the inspector, and must give in writing prescribed particulars of the accident and of any loss of life or personal injury caused by it. In the case of an accident causing loss of life or serious personal injury, a notification must also be sent to the person (if any) nominated by the persons employed at the mine for the purpose of receiving notice on their behalf.

Where loss of life or serious personal injury has immediately resulted from an accident, the place where the accident occurred shall be left as it was immediately after the accident, until the expiration of at least three days after the sending of such notice, or until the visit of the place by an inspector, whichever first happens, unless compliance with this enactment would tend to increase or continue a danger or would impede the working of the mine.

Where personal injury subsequently results in the death

of the person injured, notice in writing of the death must be sent to the inspector within twenty-four hours after such death comes to the knowledge of the owner, agent, or manager.

Under Section 81 the Secretary of State has power, by Order, to extend the provisions as to notice of accidents, to dangerous occurrences, such as a special class of explosion, fire, collapse of buildings, and accidents to machinery or plant.

(b) *Reports, Investigations, and Inquests.*—Under Section 82, where at any mine an accident has caused loss of life or personal injury to any person, the Secretary of State may at any time direct an inspector to make a special report with respect to the accident, and may publish any such report. Under Section 83 the Secretary of State may direct a formal investigation of any accident and of its causes and circumstances to be held. The Court of Inquiry in such investigations consists of a competent person, with whom there may sit assessors possessing legal or special knowledge. It holds public sittings, and has suitable powers of summoning witnesses, administering oaths, requiring the production of books and documents, inspecting the mine, etc. The Court must make a report to the Secretary of State stating the causes and circumstances of the accident, and adding any observations which the Court thinks right to make, and the Secretary of State must lay the report in full before both Houses of Parliament. Section 84 gives the inspector the right to have notice of an inquest in the case of death caused by an accident, and is generally in the same lines as Section 21 of the Factory and Workshop Act, 1911 (see p. 187). The following points may be specially noticed. Where evidence is given at an inquest, at which an inspector is not present, of any neglect as having caused or contributed to the accident, or of any defect in or about the mine appearing to the coroner or jury to require a remedy, the coroner must send to the inspector of the division notice in writing of such neglect or defect. The right to be present and examine witnesses is extended to any person appointed in writing by any association of workmen to which the deceased at the time of his

death belonged, or by any association of employers of which the owner is a member, or by any association to which any official or workman employed in the mine belongs.

(c) *Rescue and Ambulances*.—Under Section 85, General Regulations made under the Act may require provision to be made at all mines or any class of mines in regard to (1) supply and maintenance of appliances for use in rescue work and formation and training of rescue brigades, and (2) supply and maintenance of ambulance appliances and the training of men in ambulance work.

**Regulations :** (a) *General Regulations*.—Under Section 86 the Secretary of State has power by Order to make such General Regulations for the conduct and guidance of the persons acting in the management of mines or employed in or about mines as may appear best calculated to prevent dangerous accidents, and to provide for the safety, health, convenience, and proper discipline of the persons employed in or about mines, and for the care and treatment of horses and other animals used therein. The procedure for making General Regulations will be found in Appendix XI. (a). Under this power General Regulations (S. R. & O., 1913, No. 748) were made on July 10, 1913.

These General Regulations consist of 190 sections, dealing with the following matters :

Part I., Sections	1-34.	General.
	35-40.	The manager.
	41-48.	The under-manager.
	49-62.	Firemen, examiners, and deputies.
	63-68.	Winding enginemen.
	69-73.	Persons in charge of ventilating machines.
	74-76.	The boiler-minder.
Part II., Sections	77.	Air measurements [Act of 1911, Sec. 29 (2)].
	78.	Use of electric lamps other than locked safety-lamps (ditto, Sec. 32).
	79-82.	Character of winding apparatus [ditto, Sec. 40 (1)].
	83-88.	Capping of winding and hauling ropes [ditto, Sec. 40 (5) and 46].
	89-90.	Exemptions as to airways [ditto, Sec. 42 (1)].



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- Part II., Sections      91. Construction of stoppings [ditto, Sec. 42 (3)].  
                             92-97. Signalling (ditto, Sec. 53).  
                             98-102. Hauling.  
                             103. Telephones (ditto, Sec. 54).  
                             104-105. Barometer and hygrometer (ditto, Sec. 71).  
                             106-112. Sanitary conveniences (ditto, Sec. 76).  
                             113-116. Storage and use of candles, etc.  
Part III., Sections 117-137. Electricity (ditto, Sec. 60).  
Part IV., Sections 138-149. Rescue and Ambulance (ditto, Sec. 85).  
[Part IV. has been amended by a General Regulation on Rescue Work, etc. (S. R. & O., 1914, No. 710).]  
Part V., Sections 150-171. Surface lines and sidings.  
Part VI., Sections 172-190. Additional regulations for sinking.

There are also a series of General Regulations made under Section 33 of the Act of 1911 with reference to Safety Lamps. The principal Order is the Safety Lamps Order of August 26, 1913 (S. R. & O., 1913, No. 886). Some of the descriptions of lamps given in this Order were amended by an Order of March 9, 1914, while the list of lamps has been extended by further Orders of March 16, 1914 (S. R. & O., 1914, No. 345), July 1, 1914 (S. R. & O., 1914, No. 1002), and October 7, 1914 (S. R. & O., 1914, No. 1632).

There are again a series of General Regulations made under Section 61 of the Act of 1911 with reference to explosives. The principal Order is the Explosives in Coal Mines Order of September 1, 1913 (S. R. & O., 1913, No. 953), which has been extended and amended by Orders of November 25, 1913 (S. R. & O., 1913, No. 1217), February 10, 1914 (S. R. & O., 1914, No. 178), April 7, 1914 (S. R. & O., 1914, No. 479), June 22, 1914 (S. R. & O., 1914, No. 906), and August 29, 1914 (S. R. & O., 1914, No. 1311).

(b) *Special Regulations.*—Under Section 87, where the inspector of the division, or the owner of, or a majority ascertained by ballot of the workmen employed in, any mine is of opinion that the General Regulations ought in their application to that mine to be supplemented or modified, the inspector or the owner, or such majority of workmen, may transmit for the approval of the Secretary of State Special



Regulations for the mine. The procedure for dealing with proposed Special Regulations will be found in Appendix XI. (b). When Special Regulations have been approved by the Secretary of State, they shall, as respects that mine, have effect until revoked as if they formed part of the General Regulations applicable to the mine.

**Abstract of Act and of Regulations.**—Under Section 88, for the purpose of making known the provisions of the Act and the Regulations of the mine to all persons employed in and about a mine, (a) a copy of the prescribed abstract of the Act and a copy of the Regulations, with the name of the mine and the name and address of the inspector of the division, and the name of the owner or agent, and of the manager appended thereto, must be posted up in some conspicuous place at or near the mine, where they may be conveniently read or seen by the persons employed; (b) each person employed in or about the mine at the commencement of his employment, and on each occasion when a new abstract is issued or new Regulations made, must be supplied gratis with a book containing so much of the abstract and so much of the Regulations as the Secretary of State may prescribe as being the parts of the abstract and Regulations affecting persons of the class to which the person belongs; copies subsequently required are to be supplied at a price not exceeding one penny; (c) every copy of the Regulations must be kept distinct from any Regulations which depend only on the contract between the employer and employed.

Under Section 90 not only is a person who is bound to observe the Regulations of any mine, and who fails to do so, guilty of an offence against the Act, but the owner, agent, and manager of such mine shall each be guilty of an offence unless he proves that he had taken all reasonable means, by publishing and to the best of his power enforcing the Regulations, to prevent contravention or non-compliance.

**Employment.**—Sections 91 to 95 deal with the hours of employment of boys, girls, and women, the notices to be posted up and the register to be kept. These matters have already been dealt with in Chapters X. and XI.

Under Section 96 no wages may be paid to any person employed in or about any mine at or within any licensed premises as defined by the Licensing (Consolidation) Act, 1910, or other house of entertainment, or any office, garden, or place belonging or contiguous thereto or occupied therewith. The wages of all persons employed in or about the mine are to be paid weekly if a majority of such persons so desire, and there shall be delivered to each such person a statement containing detailed particulars of how the amount paid to him is arrived at.

**Inspectors:** (a) *Appointment of Inspectors.*—Under Section 97 the Secretary of State may appoint any fit persons to be inspectors, but any person who practises or acts or is a partner of any person who practises or acts as a land agent, or mining engineer, or as a manager, viewer, agent, or valuer of mines, or arbitrator in any difference arising between owners, agents, or managers of mines, or is a miners' agent, or a mine owner, must not act as an inspector of mines, and no inspector may be a partner or have any interest, direct or indirect, in any mine in the United Kingdom, whether the mine is one to which the Act applies or not.

(b) *Powers and Duties of Inspectors.*—An inspector has power (i.) to make such examination and inquiry as may be necessary to ascertain whether the provisions of the Act relating to matters above ground or below ground are complied with in the case of any mine; (ii.) to enter, inspect, and examine any mine and every part thereof at all reasonable times by day and night, but so as not to impede or obstruct the working of the mine; (iii.) to examine into and make inquiry respecting the state and condition of any mine and its ventilation, and the sufficiency of the regulations and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous to it, or the care and treatment of the horses and other animals used in the mine, and may take with him for such purpose a duly qualified veterinary surgeon; and (iv.) to exercise such other powers as may be necessary for carrying the Act into effect.

The owner of every mine, his agents and servants, must

furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under the Act in relation to that mine.

Under Section 99 an inspector may give notice of causes of danger not expressly provided against to the owner, agent, or manager, and if there is a difference of opinion between the inspector and the owner, agent, or manager, the matter is to be determined in manner provided by the Act for settling disputes.

Under Section 100 every inspector of a division must make an annual report of his proceedings, and the Chief Inspector must make an annual report of proceedings under the Act to the Secretary of State, and these reports must be laid before both Houses of Parliament.

**Legal Proceedings.**—Sections 101 to 108 are concerned with legal proceedings, and the only points which need be noticed here are (a) a power to the Court to sentence an offender against the Act to imprisonment not exceeding three months, as an alternative to a fine, where the offence was likely to endanger the safety of the persons employed in or about the mine, or to cause serious personal injury to any of such persons or to cause a dangerous accident, and was committed wilfully by the personal act, personal default, or personal negligence of the offender [Section 101 (4)]; (b) that under certain circumstances detailed in Section 102 an owner or agent may shelter himself from liability behind his manager; (c) a power given to the Secretary of State to direct fines to be paid to persons injured or the relatives of persons killed (Section 105); (d) that under Section 107, on the application of the Attorney-General an injunction may be obtained prohibiting the working of a mine in which there is a contravention of the provisions as to safety; and (e) that under Section 108 a Court of Summary Jurisdiction may, on complaint by an inspector, and on being satisfied that any part of the machinery or plant used in a mine (including a steam-boiler used for generating steam) is in such a condition or so placed that it cannot be used without danger to life or limb, prohibit its use, or, if it is capable of repair or alteration, prohibit its use until it is duly repaired or altered.

**Protection of Animals.**—Under Section 109 a set of seventeen Regulations contained in the 3rd Schedule to the Act must be observed in every mine. The Secretary of State is to appoint fit persons to be special inspectors for the purpose of examining into the care and treatment of the horses and other animals used in mines, and of enforcing the provisions of the Act relating to horses and other animals.

**Accidents arising during Rescue Work.**—Under Section 110, the Workmen's Compensation Act is to apply where an accident occurs to a workman in the course of his training as a member of the rescue brigade, or while engaged in rescue work or ambulance work.

**Manner of settling Disputes.**—Under Section 116 disputes are to be referred to such one of the panel of referees appointed under the Act as may be selected in manner provided by rules made for the purpose, and the decision of the referee is to be final.

**Legislation not affected by the Coal Mines Act, 1911.**—The Coal Mines Act, 1911, did not repeal the Coal Mines Regulation Act, 1908, particulars of which have already been given at p. 39, nor such part of existing legislation as related to checkweighing, namely, Sections 12 to 15 of the Coal Mines Regulation Act, 1887, and the Coal Mines (Checkweigher) Act, 1894, and the Coal Mines (Weighing of Minerals) Act, 1905, which are set out in full in Appendix XI. (c), and of which a summary immediately follows.

**Checkweighing.**—Section 12 of the Act of 1887 recognises the custom of paying wages to persons employed in a mine according to the actual weight gotten by them of the mineral contracted to be gotten, and the custom of making deductions in respect of (a) stones or substances other than the mineral contracted to be gotten and sent out of the mine with the mineral, and (b) tubs, baskets, or hutches improperly filled by the getter of the mineral or his drawer, or by the person immediately employed by him. It provides that the mineral gotten shall be truly weighed at a place as near to the pit mouth as is reasonably practicable, and that deductions shall be agreed upon (a) in some special mode

agreed upon between the owner, agent, or manager, on the one hand, and the persons employed in the mine on the other, or (b) by some person appointed on that behalf by the owner, agent, or manager, and the men's 'checkweigher,' or in case of difference by a third person mutually agreed on, or in default of agreement appointed by a Chairman of a local Court of Quarter Sessions.

Section 13 provides that the persons who are employed in a mine and are paid according to the weight of the mineral gotten by them, may at their own cost station a 'checkweigher' at each place appointed for the weighing of the mineral, and at each place appointed for determining the deductions, in order that he may, on behalf of the persons by whom he is so stationed, take a correct account of the weight of the mineral, or determine correctly the deductions as the case may be. A checkweigher is to have every facility afforded to him for fulfilling his duties. He is not authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing or with any of the workmen, or with the management of the mine. If he is guilty of doing any of these forbidden acts an application may be made to a Court of Summary Jurisdiction for his removal.

Under Section 14, where a checkweigher has been appointed by the majority, ascertained by ballot, of the persons employed in a mine who are paid according to the weight of the mineral gotten by them, and has acted as such, he may recover a proportion of his wage from all persons so employed and paid; and it is lawful for the owner or manager, where the majority of the employed persons, ascertained by ballot, so agree, to retain the agreed contribution for the checkweigher, notwithstanding the provisions of the Truck Acts, and to pay and account for the same to the checkweigher.

Under Section 15 the Weights and Measures Act, 1878, is applied to all the weighing apparatus used for determining the wages payable, and an inspector under that Act must, once at least in every six months, inspect and examine the apparatus.

The Coal Mines (Checkweigher) Act, 1894, penalises (a) any interference by the owner, agent, or manager of a mine with the appointment of a checkweigher, (b) the refusal of proper facilities for his appointment, and (c) the exercise of improper influence in respect of such appointment or reappointment.

The Coal Mines (Weighing of Minerals) Act, 1905, provides for the appointment of a deputy checkweigher and for further facilities for the checkweighing. It also includes an extension of the classes of workers liable to contribute to the checkweigher's wages. Due notice of intention to appoint a checkweigher or deputy must be given to all persons who have a right to vote.

#### LEGISLATION AS TO METALLIFEROUS MINES

The Metalliferous Mines Regulation Act, 1872, which still regulates mines other than coal mines, closely followed the wording of the Coal Mines Regulation Act of the same date, and as considerable portions of the latter Act have been re-enacted in the Coal Mines Act, 1911, reference will from time to time be made to certain sections of the Act of 1911.

By the second section of the Metalliferous Mines Regulation Act, 1872, the Act applies to every mine of whatever description other than a coal mine, as defined by the Acts relating to Coal Mines.

Sections 3 to 8 of the Act, as modified by the Mines (Prohibition of Child Labour Underground) Act, 1900, govern the employment of women, young persons, and children, and have already been dealt with in Chapters X. and XI.

Section 9 prohibits the payment of wages in public houses, and is in substantially the same terms as Subsections (1) and (3) of Section 96 of the Coal Mines Act, 1911.

Section 10 of the Act of 1872 was repealed by the Metalliferous Mines Regulation Act, 1875 ; Section 1 of this latter Act provides for annual returns of minerals worked and persons employed.

Section 11 of the Act of 1872 relates to notification of

accidents. Where in or about any mine to which the Act applies, whether above or below ground, either

(1) loss of life or any personal injury to any person employed in or about the mine occurs by reason of any explosion of gas, powder, or any steam-boiler; or

(2) loss of life or any serious personal injury to any person employed in or about the mine occurs by reason of any accident whatever,

the owner or agent of the mine must within 24 hours next after the explosion or accident send notice in writing of the explosion or accident, and of the loss of life or personal injury occasioned thereby, to the inspector of the district on behalf of a Secretary of State, and shall specify in such notice the character of the explosion or accident, and the number of persons killed and injured respectively. The rest of the section is identical with Section 80, Subsections 3 and 4, of the Coal Mines Act, 1911.

Section 12 relates to the notice to be given on the opening or abandonment of a mine, and follows the lines of Section 19 of the Coal Mines Act, 1911, except that there is no reference to outlets or seams, and there is a proviso that the section shall apply only to any working or mine in which more than twelve persons are ordinarily employed below ground, and that in the case of a partnership working in a mine within the stannaries of Devon and Cornwall, if notice of every change in the purser of the partnership is sent as required by this section, notice of a change in the members of such partnership need not be sent.

Section 13 deals with the fencing of abandoned mines and follows the lines of Section 26 of the Coal Mines Act, 1911. The top of the shaft and any side entrance from the surface must be, and be kept, securely fenced for the prevention of accidents. Where the abandonment occurred in the case of a mine before the passing of the Act, the section only applies to such shaft or side entrance as is situate within fifty yards of any highway, road, footpath, or place of public resort, or in open or unenclosed land, or, not being so situate, is required by an inspector, in writing, to be fenced, on the ground that it is specially dangerous. An unfenced shaft or



side entrance is to be deemed a public nuisance only if it is situate within fifty yards of any highway, road, footpath, or place of public resort, or is in open or unenclosed land, or is specially required by an inspector to be fenced.

Section 14 deals with plans of abandoned mines. Where any mine in which more than twelve persons have ordinarily been employed below ground is abandoned, the owner of such mine at the time of the abandonment must within three months after such abandonment send to the Secretary of State an accurate plan, on a scale of not less than a scale of two chains to one inch, or on such other scale as the plan last used in the mine is constructed on, showing the boundaries of the workings of such mine up to the time of the abandonment, with the view of its being preserved under the care of the Secretary of State.

Sections 15 to 20 deal with inspection. Sections 15 and 16, which relate to the appointment of inspectors and the disqualification of persons as inspectors, follow the lines of Section 97 of the Coal Mines Act, 1911. It should be noted that any person appointed or acting as inspector under the Act of 1911, if directed by a Secretary of State to act as an inspector under the Act of 1872, may so act, and is to be deemed an inspector under the Act.

Section 17, which relates to the powers of inspectors, follows the lines of Section 98 of the Coal Mines Act, 1911, but omits the reference in Subsection 1 (iii.) to animals, and Subsection 3.

Section 18, which deals with notice to be given by inspectors of causes of dangers not provided for by the rules, is on the lines of Section 99 of the Coal Mines Act, 1911; it omits, however, the requisition as to withdrawal of the men employed; it allows twenty days for objections, etc., instead of seven days; and it refers disputes to arbitration under Section 21.

Section 19 deals with the keeping of plans of mines in which more than twelve persons are ordinarily employed below ground. It is a simplified version of Section 20 of the Coal Mines Act, 1911.

Section 20 deals with the annual reports of inspectors



and with special reports as to accidents made by them on the direction of a Secretary of State, on the lines of Section 100 and Section 82 of the Coal Mines Act, 1911.

Section 21 deals with arbitrations under the Act, and its provisions are set out in full in Appendix XI. (d).

Section 22 deals with coroners' inquests on the bodies of persons whose deaths may have been caused by explosions or accidents in mines. It is on the lines of Section 84 of the Coal Mines Act, 1911, omitting Subsection 8, and with the substitution of 48 hours for 24 hours in Subsection 4.

Section 23 is a very long section, which covers the ground represented in the Coal Mines Act, 1911, by the provisions as to safety set out in Sections 29 to 75. It is in form an enactment of 'general rules,' which, as far as reasonably practicable, are to be observed in every mine. It deals with ventilation, gunpowder, and blasting, fencing, signalling, and other matters of detail.

Sections 24 to 27 deal with special rules for particular mines. Comparison may be made with Section 87 and the second part of the 2nd Schedule of the Coal Mines Act, 1911 (Appendix XI. (b)), and it will be noticed that under the Act of 1872 the initial step in transmitting proposed special rules can only be taken by the owner or agent of the mine. As the machinery for making special rules differs in detail from that now contained in the Act of 1911, Sections 24 to 27 are set out in full in Appendix XI. (e).

Section 28 deals with the publication of an abstract of the Act and a copy of any special rules in force. It is on the lines of Section 88 of the Coal Mines Act, 1911, except that Subsection (2) of Section 28, which corresponds with Subsection 1 (b) of Section 88, places on the owner or agent only an obligation to supply a printed copy of the abstract and the special rules gratis to each person employed in or about the mine who applies for such copy.

The miscellaneous provisions of the Act do not call for detailed statement, but it may be noticed that under Section 32 there is a power to imprison for wilful neglect endangering life or limb (see the Coal Mines Act, 1911, Section 101 (4)); and that under Section 38 penalties may

be used to compensate injured persons or their relatives (see the Coal Mines Act, 1911, Section 105).

**Mines Accidents (Rescue and Aid) Act, 1910.**—The only other legislation in force as to metalliferous mines is the Mines Accidents (Rescue and Aid) Act, 1910. This Act, as passed, applied to all mines, but as regards coal mines it is now represented by Section 85 of the Coal Mines Act, 1911. In order to bring it into force as regards metalliferous mines, the Secretary of State must make an Order as to the organisation of rescue and aid work, which he can do on complying with the procedure set out in Appendix XI. (*f*).

## QUARRIES

The Quarries Act, 1894, applies to every place (not being a mine) in which persons work in getting slate, stone, coprolites, or other minerals, and any part of which is more than twenty feet deep.

It extends to these places the provisions of the Metalliferous Mines Regulation Acts, 1872 and 1875, except (1) Sections 3 to 8, as to the employment of women, young persons, and children; (2) Sections 12, 13, and 14, as to notice of opening and abandonment of mines, fencing of abandoned mines, and plans of abandoned mines; (3) Section 19, as to the keeping of plans of mines; and (4) Section 23, which sets forth the general rules applicable to mines.

## CHAPTER XVII

### HISTORY OF LEGISLATION AS TO FACTORIES AND MINES

It will be convenient to treat the history of legislation as to factories and workshops separately from that of legislation as to mines, but it must be remembered that the humanitarian feelings which prompted these two sets of enactments were identical, and that both are associated with one outstanding name, that of Lord Ashley, afterwards Lord Shaftesbury.

#### LEGISLATION AS TO FACTORIES AND WORKSHOPS

Factory legislation has passed through two stages. We have already seen that it is the custom at the present time, when Parliament has accepted a general principle, such as the regulation of dangerous trades, for the details to be worked out by some administrative department or body. In the earlier stages of factory legislation the process was just the opposite: a trade or a group of similar trades was brought under a detailed Act of Parliament, then another trade or group was brought under another Act, not necessarily the same, and the recognition of any general principle was deferred as long as possible. A study of the various steps in this legislation may be both interesting and helpful.

**Legislation for Textile Factories up to 1850.**—The earliest Factory Act is usually known as the Health and Morals of Apprentices Act (1802). Its title is somewhat misleading, as it did not shrink from legislating for 'other persons than

apprentices.' Its preamble states that 'it hath of late become a practice in cotton and woollen mills and in cotton and woollen factories to employ a great number of male and female apprentices, and other persons, in the same building, in consequence of which certain regulations are become necessary to preserve the health and morals of such apprentices and other persons.' It then proceeds to enact rules and regulations for 'all such mills and factories within Great Britain and Ireland, wherein 3 or more apprentices, or 20 or more other persons, shall at any time be employed.' The Act broke down through the very inadequate means taken to see that its provisions were carried out. Inspection was to be in the hands of two voluntary inspectors 'not interested in or in any way connected with any such mills or factories,' and appointed by the Justices in session. Normally one visitor was to be a Justice of the Peace and the other a clergyman. The Justices in session were apt to neglect to make appointments, and there was no department of the central government to keep them up to their duty.

The general provisions were that the buildings should be lime-washed twice a year and properly ventilated by a sufficient number of windows and openings.

For the apprentice there was to be a 12-hours day between 6 A.M. and 9 P.M., with instruction on working days for his first four years in the three R's, and with an hour's religious instruction on Sundays. Apprentices were also to be supplied with clothing, and were not to sleep more than two in a bed.

Copies of the Act were to be hung up in two or more conspicuous places in such mill or factory.

Half of any penalty imposed was to go to the informer.

It will be noticed that the Act assumes that the apprentices will be fed, clothed, and housed by the employer; in other words, they are parish apprentices, who would otherwise be homeless. Children living at home and not apprenticed would not be affected by the provisions as to 'apprentices.'

As the century went on, the parish apprentice became

less and less important in industry, but the Act was not actually repealed till 1878.

The first Act which dealt with children as distinct from apprentices was the Factory Act of 1819. This and the Factory Act, 1820, only applied to cotton mills (*i.e.* mills for the preparation and spinning of cotton wool), but they are important because—

(a) They exclude from employment children under 9 years of age.

(b) They introduce a 12-hours day for children between 9 and 16 years of age, with a 'period of employment' (5 A.M. to 9 P.M.), and definite time allowances for meals (half an hour for breakfast and 1 hour for dinner).

Three Amending Acts, viz. the Factory Act of 1825 and two Factory Acts of 1830, reduce the 'period of employment' to 5 A.M. to 8 P.M., and introduce the short working day on Saturdays (9 hours between 5 A.M. and 4.30 P.M.).

Overtime is now dealt with on the lines of permitting it in order to make up lost time, (a) in water mills, when due to fluctuations in the water-supply, and (b) in other mills, when due to breakdowns in the machinery.

In 1831 all this legislation as to cotton mills was consolidated and amended by the Factory Act, 1831. The 12-hours working day was extended to all young persons under 18 years of age, and night work (8.30 P.M. to 5.30 A.M.) was prohibited to persons under 21 years of age. On the other hand, for the abstract of the Acts which the earlier legislation required to be exhibited in the mills, there was substituted a daily register of the time the machinery was at work.

Two years later a great step forward was made as the result of agitation on the condition of labour in the Yorkshire mills, and the Factory Act, 1833, was passed, which dealt with practically the whole of the Textile Industry as carried on in factories. The provisions of this Act extended to cotton, woollen, worsted, hemp, flax, tow, linen, and silk mills driven by steam or mechanical power, except lace factories, and the processes of pulling, roughing, and boiling of woollens.

It followed the earlier Acts in prohibiting child labour under 9 years of age (except in silk mills); and in the provisions as to overtime and as to young persons under 18; and besides extending old enactments to new trades, it made the following new departures:

(a) Instead of one class between 9 years and 18 years of age there were to be two classes, viz. children between 9 years and 13 years of age, and young persons between 13 years of age and 18 years of age. The limit of working hours for children was 48 hours a week and 9 hours a day. They were to receive schooling for 2 hours a day on six days in the week, and the master was to be entitled to deduct a penny in the shilling from their wages for the payment of the schoolmaster.

(b) Children and young persons were to have recognised holidays, viz. Christmas Day, Good Friday, and eight half-days.

(c) Certificates of fitness were introduced in a very simple form for children. The surgeon had to sign a certificate that the child had appeared before him and submitted to his examination, and was of the ordinary strength and appearance of a child of at least 9 years of age, or exceeding 9 years of age.

(d) Four inspectors of factories were to be appointed by the Government to act under one of the principal Secretaries of State. They were to report to him twice a year, and were to meet twice a year for conference, 'to make their proceedings, rules, orders, and regulations as uniform as is expedient and practicable.'

In 1844 an Amending Factory Act was passed, which introduced several new features.

(a) A central office was set up in London, called 'The Office of the Factory Inspectors,' and persons beginning to occupy a textile factory were to send notice to it of their address, the nature of the moving power, etc.

(b) Certifying surgeons were to be appointed by the inspectors; separate certificates of age were required in the case of children and young persons; and to the certificate of apparent age was added a certificate of fitness, to the effect

that the child or young person was not incapacitated by disease or bodily infirmity from working daily in the particular factory for the time allowed by the Act.

(c) Women were brought under the provisions applicable to young persons.

(d) Children, now defined as between 8 years and 13 years of age, were brought under a half-time system. The hours were arranged so as to give approximately 30 hours' work and 15 hours' schooling.

(e) Definite provisions in regard to health were inserted. These covered protection from certain wet processes, and provision for meals being simultaneous, and being taken outside the workrooms.

(f) There were also certain provisions for safety, such as the prohibition of the cleaning of mill gearing in motion by a child or young person, and the fencing of specified parts of the machinery. Notice of accidents was to be sent to the certifying surgeon. The inspector might bring an action for compensation on behalf of a person injured by machinery. He might also give notice that machinery was dangerous, and if the employer disputed this, the matter was to go to arbitration.

(g) The administrative provisions included the regulation of the hours of work by a public clock, the keeping of a register by the occupier of the factory, and the hanging up of an abstract of the Acts in force.

The Act consisted of 74 sections, and forms the basis of much of the existing legislation. It was repealed by the Consolidating Act of 1878.

One or two amendments of the Act of 1844 are worth special notice—

By an Act of 1847, generally known as the Ten Hours Act, the working hours of women and young persons were reduced to a maximum of 10 hours per day, or 58 hours per week.

By the Factory Act of 1850 the normal period of employment was to be from 6 A.M. to 6 P.M., with a power to vary to 7 A.M. to 7 P.M. during the six winter months. It may also be mentioned here that particulars of work and wages

were made compulsory in 1845 in the hosiery trade and for silk weavers.

By the end of this period (1802–1850) the general lines of legislation for Textile Factories had been worked out, and no material changes came into force during the next twenty-five years. We may therefore turn to a second period and a second group.

**Legislation for Textile Works, etc. (1845–1864).**—The earliest Act extending factory legislation to works was an Act of 1845 to regulate the labour of children, young persons, and women in print works. The administration of the Act was put into the hands of the Factory Inspectors and certifying surgeons, and the same threefold classification of women, young persons, and children was adopted; but the actual regulation of labour was very slight. The employment of children under 8 years of age was forbidden, and children and females were not to be employed on night work, *i.e.* from 10 P.M. to 6 A.M. The partial employment of children was secured by forbidding employment unless the child could produce a certificate of attendance at school for a minimum number of days in the preceding half-year. Two years later the minimum school attendance for the half-year was fixed at 30 days, and not less than 150 hours.

There was a great struggle over the Print Works Act, and it was only passed by jettisoning proposals as to dyeing, bleaching, and calendering works. In the early 'sixties these proposals were revived, and Acts regulating the following works or processes were passed, *viz.* :

Bleach and dyeworks (not open-air)	.	.	.	1860
Lace works	.	.	.	1861
Open-air bleachfields	.	.	.	1862
Calendering and finishing	.	.	.	1863
Finishing, hooking, and making up in bleach and dyeworks	.	.	.	1864

Each of these Acts contained variations specially desirable for the trade or process included, but was otherwise on the lines of the existing Factory Acts.

**Legislation for Dangerous and Unhealthy Trades, 1864.**—The first extension of regulation beyond the textile trades



and its allied employments was : (a) to certain trades which were rendered unhealthy by the use of some poisonous ingredient (for instance in the making of earthenware lead glazes were used, and in the making of lucifer matches phosphorous was used) ; and (b) to certain trades rendered dangerous by the use of some explosive substance, as in the case of the making of percussion caps and cartridges. Two other employments, viz. paper staining and fustian cutting, were included with these four dangerous trades in an extension of the Factory Acts passed in 1864.

The germ of all the special regulations now applicable to dangerous and unhealthy trades may be found in a special clause which empowered masters to make special rules as to cleanliness and ventilation, but subject to the approval of a Secretary of State.

**Legislation for all Factories and Workshops, 1867.**—By the year 1867, which we have elsewhere selected as the year from which modern industrial legislation dates, the principle of the regulation of industry was definitely accepted, and the real question was how best to cover the whole field of organised industry. So far a difference had been drawn even in the textile trades between places where machinery was used, and other places where there was only hand labour. On the other hand, any workplaces where a large number of persons of different ages and both sexes were employed seemed to need more careful and detailed regulation than the smaller workplaces. A Commission appointed in 1861, at the instance of Lord Shaftesbury, to inquire into the conditions of employment of children and young persons in trades not already regulated, sat for about five years, and finally expressed its opinion in favour of a dividing line to be drawn between the larger and smaller workplaces, the larger places to be brought within the existing law as to factories, and the smaller places to be under a modified system of regulation, with local instead of central supervision. Accordingly in the year 1867 two Acts of Parliament were passed, the first being the Factory Acts Extension Act, 1867, and the second being the Workshops Regulation Act, 1867.

The Factory Act of 1867 extended the regulations and

sanitary provisions of the earlier Factory Acts to all places where 50 or more persons were employed in any manufacturing process, and also to certain enumerated places, such as various metal works, and premises in which paper, glass, or tobacco were manufactured or made up, or where letterpress printing was carried on.

Other special points were a strengthening of the sanitary provisions, and of the power to make special provision for dangerous and unhealthy industries, a power given to a Secretary of State to make Orders, and the introduction of four whole holidays in the place of eight half-holidays.

The Workshops Regulation Act, 1867, brought in all establishments where less than 50 persons were employed, and where children, young persons, or women were at work, except such as were already included under existing Factory Acts. Its classes of persons were the same as those of the Factory Acts, but its provisions were not quite so stringent. Thus children need only have 10 hours per week schooling, and young persons and women could work for 10½ hours per day in a working period between 5 A.M. and 9 P.M. The Act contained no sanitary provisions, but the local sanitary authority was already subject to certain duties under the provisions of the Sanitary Act, 1866.

The numerical basis of the classification into Factories and Workshops has been swept away, but there still remain some workplaces with a 55-hours week and some with a 60-hours week; and some workplaces are under the inspector for sanitary purposes, while others are under the local sanitary authority.

**The Consolidation of the Law in 1878.**—Before we come to the main subject of this paragraph it will be necessary to notice a Factory Act of the year 1874, which was largely influenced by the Education Act of 1870. That Act had made factory schools, that is, schools promoted for the purpose of instructing factory children, obsolete, and had brought all children alike into public elementary schools. It had also strengthened the idea that the school and not the factory was the proper place for children. The Factory Act of 1874 only applied to textile factories, but for them it

provided that after 1875 no child under 10 years of age should be employed, that childhood should last till 14, unless after the age of 13 an educational certificate was gained, and that schools recognised by the Education Department should in general be substituted for factory schools. The Act also limited the period of continuous labour for women, young persons, and children to 4½ hours, a concession which is still limited to textile factories.

In 1876 a Commission was appointed to consider the question of consolidating all the existing Acts regulating factories and workshops. This short review has at this stage brought to the reader's notice nineteen Acts, varying in date from 1833 to 1874, and all still in force at the date of the appointment of the Commission. The result of this Commission was the Factories and Workshops (Consolidation) Act, 1878, which was only repealed by the Act now in force, namely, the Factory and Workshops Act, 1901.

The Act of 1878 abandoned any numerical criterion between factories and workshops, and reverted to the use of mechanical power as the main criterion. On this basis it built up a fivefold classification, which is still in operation, viz. (1) Textile factories, together with certain allied workplaces; (2) non-textile factories; (3) workshops employing women, young persons, and children; (4) women's workshops; and (5) domestic workshops. At this stage there was no need to create a class of men's workshops, as the Act did not legislate for them. The creation of a special class of women's workshops was due to a feeling then current that where adults were alone concerned matters of hours "ought to be left to the good sense and increasing intelligence of the people themselves."

The uniform working periods, 6 A.M. to 6 P.M., or 7 A.M. to 7 P.M., were introduced for Classes (1), (2), and (3).

Further progress was made in the regulation of dangerous industries by the absolute prohibition of the employment of children and young persons in certain branches of the white lead and other similar factories.

The whole of the previous legislation was repealed.

**The Period from 1878 to 1901.**—The chief feature of this

period is the commencement of the detailed regulation of dangerous and unhealthy trades which is now of such extreme importance in factory legislation. Thus the Factory and Workshop Act, 1883, was passed to provide, in the case of white lead factories, for special ventilation, lavatories, baths for women with hot and cold water, suitable meal rooms, the wearing of overalls and respirators, and the provision of acidulated drinks.

The Factory and Workshop Act, 1891, introduced several innovations. We may note specially—

(1) The power given to the Secretary of State to draw up special rules for dangerous or unhealthy trades.

(2) The prohibition of women's labour during the four weeks after childbirth.

(3) The application to men's workshops of the sanitary provisions of the Factory Acts.

(4) The extension of the period of employment in women's workshops to 10 P.M.

(5) The prohibition after 1892 of child labour under 11 years of age.

(6) The enforcement of a 'particulars clause' for piece-workers in textile trades.

(7) The obligation to keep a list of outworkers, to be open to the inspection of the Factory Inspector; and

(8) The retransfer of workshops for sanitary purposes to the local public health authority.

The last three of these points were further dealt with by the Factory and Workshop Act, 1895, which (a) authorised the Secretary of State to extend the particulars clause by Special Order, (b) imposed a further obligation of sending the lists of outworkers to the Factory Inspector, and (c) required a local authority to report to the inspector as to action taken by it in regard to sanitary complaints.

This period closes with the passing of the Factory and Workshop Act, 1901, which consolidated and extended the existing law.

The Act of 1907, dealing with Laundries, and the Act of 1911, dealing with Cotton Cloth Factories, need only be mentioned here.

## LEGISLATION AS TO MINES

**Lord Ashley's Act.**—The earliest legislation as to mines was Lord Ashley's Act, 1842, which was an Act to prohibit the employment of women and girls in mines and collieries, and to regulate the employment of boys, and to make other provisions relating to persons working therein. The prohibition of the employment of women and girls underground was absolute as from March 1, 1843.

Males under 10 years of age were not to be employed underground.

The miscellaneous provisions dealt with the following matters :

(a) A Secretary of State was authorised to appoint proper persons to visit and inspect any mine or colliery.

(b) Where there were vertical or other shafts no steam or other engine used for bringing persons up or down the shafts was to be under the care of any person other than a male of the age of 15 years and upwards.

(c) Wages were not to be paid in public-houses.

**Legislation from 1850 to 1872.**—The Act of 1842 was repealed in 1872. The first Act dealing in any detail with the inspection of mines was passed in 1850 (an Act for Inspection of Coal Mines in Great Britain). It was apparently limited to coal mines strictly so called. It authorised a Secretary of State to appoint any fit person to be an inspector of coal mines, but excluded from appointment any land agent or manager, viewer or agent of a coal mine, or any person otherwise employed in a coal mine. Such an inspector might enter, inspect, and examine any coal mine and the works and machinery belonging thereto, at all reasonable times and seasons, by day or night, but so as not to impede or obstruct the working of the coal mine, and might inquire into the state and condition of the coal mine, works and machinery, and the ventilation of the coal mine, and the mode of lighting or using lights in the same, and into all matters and things connected with the safety of the persons employed in or about the same. If the inspector found the mine or its mode of working dangerous or defective, so as

in his opinion to threaten or tend to the bodily injury of any person employed therein, he could summon the manager before him, and if the manager did not attend, or did not satisfy the inspector, then the inspector must serve notice, in writing, of the particular grounds on which he was of opinion that the coal mine was dangerous or defective on the owner or agent of such mine, and must report the same to a Secretary of State.

The inspector was to be assisted in his inspection by the production by the owner or agent of the mine of an accurate map or plan of the workings, showing the several parts, air-courses, air-doors, waterways, drains, pits, levels, and shafts.

If loss of life should occur by reason of any accident within such coal mine the owner or agent was bound, within 24 hours, to send notice to a Secretary of State, and the Secretary of State was also to have notice of the inquest.

In 1855 the foregoing Act was repealed and re-enacted with some important additions under the title of an Act to amend the Law for the Inspection of Coal Mines in Great Britain. The main feature of the Act was the introduction of General Rules for all mines and Special Rules for individual mines.

The General Rules were at first seven in number, and as they were concisely expressed are here reproduced :

(1) An adequate amount of ventilation must be constantly produced at all collieries to dilute and render harmless noxious gases to such an extent as that the working places of the pits and levels of such collieries shall under ordinary circumstances be in a fit state for working.

(2) Every shaft or pit which is out of use, or used only as an air-pit, must be securely fenced.

(3) Every working and pumping pit or shaft must be properly fenced when not at work.

(4) Every working and pumping pit or shaft where the natural strata under ordinary circumstances are not safe must be securely cased or lined.

(5) Every working pit or shaft must be provided with some proper means of signalling from the bottom of the

shaft to the surface, and from the surface to the bottom of the shaft.

(6) A proper indicator to show the position of the load in the pit or shaft, and also an adequate break must be attached to every machine worked by steam- or water-power used for lowering or raising persons.

(7) Every steam-boiler must be provided with a proper steam-gauge, water-gauge, and safety-valve.

Special rules were to be such other rules for the conduct and guidance of the persons acting in the management of the coal mine and of all persons employed in or about the same, as under the particular state and circumstances of the mine might appear best calculated to prevent dangerous accidents. Special rules were to be passed by the owner of the mine, and transmitted by him to a Secretary of State for approval. If differences arose as to approval, the special rules were finally settled by arbitration. Both general and special rules were to be exhibited in some conspicuous part of the principal office or place of business of the coal mine. The inspector was given the further duty of seeing whether the general and special rules were neglected or wilfully violated, and if that was so he must forthwith give notice in writing thereof to the owner or agent of the coal mine, and a penalty was attached to such neglect or violation.

The somewhat impotent conclusion to an inspector's report that a mine was dangerous or defective, contained in the Act of 1850, was much strengthened by a power given to the Secretary of State to direct that the inspector's report (if it was not disputed, or if disputed if it had stood the test of arbitration) should be exhibited at the mine itself, and until the danger or defect had been removed or remedied, any person employed in or about such coal mine in the dangerous area should be at liberty to discontinue his service without penalty.

Every inspector was to make an annual report and transmit it to a Secretary of State, and a copy of such report was to be laid before both Houses of Parliament.

By an Act for the Regulation and Inspection of Mines, passed in 1860, further progress was made. The age limit



for boy labour was increased to 12 years of age, but with a proviso that boys might still work underground between the years of 10 and 12 if they obtained a certificate that they could read and write, and attended school for 3 hours a day or two days a week.

The age for persons in charge of engines was raised from 15 to 18.

The Act of 1855 was repealed and re-enacted in a strengthened form. The new provisions applied to mines of ironstone in the coal measures. The general rules were increased to 15. The procedure when an inspector notified causes of danger not provided by the rules was again much strengthened. Notice of accidents had now to be given whenever personal injury arose through an explosion, and in all cases of serious personal injury due to other causes. This Act also sanctioned the employment of a 'checkweigher,' paid by the piece-workers, who might be stationed at the place appointed for the weighing, measuring, or gauging of the coal, ironstone, or other material gotten, in order to take an account thereof, and to take an account of the weight, measure, or gauge used therein, on behalf of such persons by whom he was so employed. The name 'checkweigher' was not actually a legal term till the Act of 1872, summarised below.

A short Act of the year 1862 prohibited the working of mines by single shafts.

**The Mines Acts of 1872.**—In 1872 two Acts were passed, viz. (a) the Coal Mines Regulation Act, 1872, which applied to mines of coal, mines of stratified ironstone, mines of shale, and mines of fire-clay; and (b) the Metalliferous Mines Regulation Act, 1872, applying to every mine of whatever description other than a mine to which the Coal Mines Regulation Act, 1872, applied. The latter Act is still in force, and is summarised in Chapter XVI. By these two Acts the whole mining industry was provided for, and an intelligible classification and differentiation introduced.

The Coal Mines Regulation Act, 1872, swept away all the earlier legislation as to mines as defined by the Act, and re-enacted it in a strengthened form. The following points



may be noticed. For underground work there were now three classes :

(a) Boys between 10 and 12 years of age. For these boys there was a limit of 30 or 36 hours per week, according to the system adopted, with 20 hours' schooling per fortnight.

(b) Boys and male young persons between 12 and 16 years of age. For these there was a limit of 10 hours' work per day, and 54 hours' work per week ; and

(c) Males over 16 years of age.

For work above ground there were the following classes :

(a) Children between 10 and 13 years of age. As to hours of work and compulsory education these ranked with Class (a) of the boys working underground.

(b) Young persons under the age of 16 and women. As to hours of labour these ranked with Class (b) of the male young persons working underground. In addition, no woman, young person, or child could be employed above ground on night work (9 P.M. to 5 A.M.) on Sundays, or after 2 P.M. on Saturdays.

(c) Males over 16 years of age.

A register of Classes (a) and (b) working either underground or above ground had to be kept.

The duties of checkweighers were simplified by making the Weights and Measures Act apply to the weights used in any mine, so that the inspectors of weights under that Act became responsible for the correctness of the weights.

A system under which mines were put in charge of certificated managers was made compulsory, and certificates to future managers were only to be granted as the result of an examination. Certificates could be cancelled in cases of proved unfitness. Returns of mineral wrought and persons employed were made compulsory. The general rules were extended to thirty-one.

**Legislation from 1886 to 1911.**—The Coal Mines Act, 1886, introduced further elasticity into the appointment of checkweighers, and the collection of their remuneration. It also made provision for the formal investigation of any explosion or accident, and of its causes and circumstances on the direction of a Secretary of State.

These two latter Acts were repealed and re-enacted with amendments by the Coal Mines Regulation Act, 1887. The chief new points were (*a*) the prohibition of work either below ground or above ground by children under the age of 12 years, and (*b*) the extension of the general rules to thirty-nine provisions. This Act of 1887 was almost entirely repealed by the Coal Mines Act, 1911, but Sections 12 to 15, dealing with different aspects of the question of payment by weight (checkweighing), are still law. They are summarised in Chapter XVI., and will be found in full in Appendix XI. (*c*). An amendment of these provisions was made by the Coal Mines (Checkweigher) Act, 1894, the object of which was to secure complete liberty on the part of the workmen in their appointment of a checkweigher. The text of this Act is given in Appendix XI. (*c*).

A further Act, the Coal Mines Regulation Act, 1896, introduced some important new points. For the first time the scope of special rules was defined ; workmen were given representation on arbitrations ; the provisions as to plans of mines were elaborated ; the general rules were strengthened as to safety-lamps, inspection, and tamping ; and a Secretary of State was given conditional powers to prohibit the use of certain explosives. This Act was repealed in 1911.

By the Mines (Prohibition of Child Labour Underground) Act, 1900, a boy under the age of 13 years must not be employed in or allowed to be for the purpose of employment in any mine below ground. As far as coal mines are concerned this has been superseded by the provisions of the Coal Mines Act, 1911, but as regards metalliferous mines it is still in force as an amendment of Section 4 of the Metalliferous Mines Regulation Act, 1872.

The Notices of Accidents Act, 1906, by Sections 1, 2, 3, and 5 amended the law as to returns of accidents in mines and quarries, but so far as regards coal mines those sections have been repealed and superseded by the provisions of the Coal Mines Act, 1911.

In 1908 the Miners' Eight Hours Act was passed. Its official title is the Coal Mines Regulation Act, 1908. A

summary of its provisions has already been given in Chapter IV.

In 1910 the Mines Accidents (Rescue and Aid) Act, 1910, was passed for the purpose of making provision (by Order of the Secretary of State) in regard to—

(a) Supply and maintenance of appliances for use in rescue work and formation and training of rescue brigades.

(b) Supply and maintenance of ambulance appliances and the training of men in ambulance work.

The Act applied to both coal mines and metalliferous mines. As regards the former it has been repealed by the Coal Mines Act, 1911, and Section 85 of that Act makes the two matters mentioned above the subject of general regulations.

As regards metalliferous mines the Act is still in force, and the necessary procedure for making orders is set out in Appendix XI. (f).

Finally, as regards coal mines, a consolidating Act was passed in 1911, viz. the Coal Mines Act, 1911, to which reference has already been made.

This Act has been slightly amended by the Coal Mines Act, 1914.

## CHAPTER XVIII

### NATIONAL HEALTH INSURANCE

THE provision of a compulsory scheme of insurance for employed persons, giving them benefits during periods of sickness, was made by Part I. of the National Insurance Act, 1911, and this part of the Act has since been amended by the National Insurance Act, 1913.

The scheme was extensive and complicated, and of extreme importance from a social point of view. A full exposition of it could not fail to be of considerable length, but fortunately a large proportion of the administrative details are really outside the scope of the present work, which is primarily concerned with the mutual obligations of master and servant. This sketch will be limited to a description of the duties imposed on employers and the benefits conferred on the employed, together with such a description of methods of administration as intelligibility may demand.

**The Meaning of Mutual Insurance.**—The main scheme of sickness insurance has been framed on a basis of mutual insurance. It is true that the Act provided temporarily a separate scheme for “deposit contributors,” on an individual basis, but its provisions were to have come to an end on December 31, 1914, and have only been continued because of the War (see the Expiring Laws Continuance Act, 1914). Only an insignificant fraction of working-class contributors are insured in that section.

Mutual insurance means that a common risk is shared amongst a number of persons. If the number of persons taken is sufficiently large, average results can safely be relied on. Where the risk is the risk of sickness, and care has

been taken to exclude chronic invalids, then experience shows that the main factor in estimating the risk is the age of the insured person. Tables compiled from the statistics of Friendly Societies for males show a steadily advancing average period of sickness, starting at  $6\frac{1}{2}$  days per annum at the age of 16, and increasing to 13 weeks at the age of 69 years.

If the premium is to correspond with the risk, then there must be a steadily increasing premium throughout the years of working life, and though this might be feasible in the case of the middle classes, yet nothing could be more unsuitable if we pay regard to the incidents of working-class life. The years of affluence of a working man are those before marriage. After 35 or 40 the pressure of family expenses generally decreases, but so, unfortunately, do the prospects of employment. Friendly societies adopted the principle of a 'flat rate' throughout the years of membership, and in the case of a member joining at 16, there would be paid in premiums on the average during the first few years a very much greater sum than the member would draw in sick pay. In other words, a reserve would be built up to provide for the later years when the sick pay would exceed the annual premium. The average reserve so accumulated is technically called a 'reserve value.' In an ordinary Friendly Society the rate of contribution is determined by the age of the member at entry, and persons over a certain age (roughly 'middle age') are excluded from joining the Society. In a compulsory national scheme all employed persons who at the time of its commencement are under a fixed age of entry can be made to enter at that age, and the Insurance Act makes persons enter at the age of 16 years. Those who are already above that age can be dealt with in at least three alternative ways :

(a) They can be given reduced benefits. This was partially adopted in the national scheme, and two special classes, with reduced benefits, were created, viz. those over 50 years of age and not over 60 at the time of entry, and those over 60 and not over 65. This was complicated and unpopular, and was put an end to by the amending Act of 1913 (Section 3).

(b) They can be admitted at a higher contribution. This would be even still more complicated, and was rejected.

(c) The reserve value which would place a member entering above the age of 16 years on the same footing as if he had entered at 16 years of age may be at once created. This was in the main the line on which the national scheme attacked the problem.

In the case of males the basis of the scheme is that such benefits shall be given as can be provided by a 'flat-rate' contribution of 7d. a week, beginning at 16 years of age and continuing till 70. The weekly contribution payable in stamps is 7d. per week (of which the workman pays 4d.), so that as regards all persons who were 16 years of age or under at the commencement of the Act the scheme should be solvent on the stamp contributions alone. To deal with the provisions of 'reserves,' either a large capital reserve or some surplus income was necessary. The latter alternative was adopted. The Government undertook to find two-ninths of all benefits paid, and the same proportion of the cost of management expenses. This Parliamentary grant constitutes an Income Reserve Fund. The hypothetical reserve values attached to all the members of an Approved Society at its formation are credited to it on paper. The Income Reserve Fund suffices to pay interest on these credits just as if they were real assets of the Approved Society, and there is a balance left over which is divided rateably amongst the Approved Societies, and as far as it goes turns the paper 'reserve values' into an actual reserve fund. This accumulates at compound interest, and is added to each year by a further payment out of the Income Reserve Fund. It was originally calculated that the process of turning the paper reserve values into real reserves would take eighteen years, but recent variations of benefit may have altered this. It is only on the average that the contributor gets 9d. for 4d. The young man who enters at 16 will for many years get 7d. for 4d., while the man who enters at 45 will get 1s. 6d. for 4d. When the necessary 'reserve values' have been accumulated, then all contributors will be able to get their 9d. for 4d.

As far as experience has been obtained since the Act of

1911 came into operation, it seems to show that the actuarial calculations on which the men's figures were based were sound, and that the benefits promised can be paid out of the contributions and Parliamentary grants. As regards women, their contributions and sick benefit were both smaller, but apparently enough allowance was not made for their periods of sickness, and some revision may become necessary. The general scheme of insurance is the same for women and men, except that as women generally give up paid work on marriage, a special scheme to take effect on marriage has been added to the ordinary provisions for women.

**Persons Compulsorily Insured.**—Under Section 1 all persons of the age of 16 and upwards who are employed according to the interpretation of that term in the Act must be insured.

This rule applies to both sexes, and irrespective of a person being a British subject.

Employment falls into classes which are defined in the 1st Schedule.

(a) *Employment*<sup>1</sup> in the United Kingdom *under any contract of service or apprenticeship*, written or oral, whether expressed or implied, and whether the employed person is paid by the employer or some other person, and whether under one or more employers, and whether paid by time or by the piece, or partly by time and partly by the piece, or otherwise, or except in the case of a contract of apprenticeship, without any money payment.

(b) *Employment on board a British ship.*

(c) *Employment as an outworker*, that is to say, a person to whom articles or materials are given out to be made up, cleaned, washed, altered, ornamented, finished, or repaired, or adapted for sale in his own home or on other premises not under the control or management of the person who gave out the articles or materials for the purposes of the trade or business of the last-mentioned person, unless excluded by a Special Order made by the Insurance Commissioners, and the person who gave out the articles or materials shall, in

<sup>1</sup> The italics in the paragraphs relating to employment are used to indicate a summary of the contents of the paragraph.

relation to the person to whom he gave them out, be deemed to be the employer.

Under two Special Orders outworkers of the classes or descriptions following are not, in respect of their employment as such, to be deemed to be employed within the meaning of Part I. of the Act, viz. :

(i.) Blind persons to whom work is given out by or on behalf of any charitable or philanthropic institution, and who are not wholly or mainly dependent for their livelihood on their earnings in respect of that work (S. R. & O., 1913, No. 829).

(ii.) Persons to whom articles or materials are given out, but who are not themselves substantially engaged in the actual manipulation of those articles or materials (S. R. & O., 1913, No. 1075).

(iii.) Persons to whom articles or materials are given out, not being articles or materials which it is the trade or business of the person by whom they are given out to manufacture, make up, clean, wash, alter, ornament, finish, or repair, or adapt for sale (S. R. & O., 1913, No. 1075).

(d) Employment in the United Kingdom in plying for hire with any vehicle or vessel the use of which is obtained from the owner thereof under any contract of bailment in consideration of the payment of a fixed sum or a share in the earnings or otherwise, the owner being deemed to be the employer.

This covers the case of taxi-cab drivers, etc., who, under some arrangements, are not technically 'employed' within the meaning of the Workmen's Compensation Act, and other Acts based on 'employment' in a strictly legal sense.

(e) Employment under any local or other public authority, except such as may be excluded by a Special Order. The classes excluded are specified in the schedule to the National Health Insurance (Employment under Local and Public Authorities) Exclusion Order, 1914 (S. R. & O., 1914, No. 1266).

*Exceptions.*—The exceptions to this list are as follows. These exceptions are not given in the same order as in the



Act, and an attempt is made to grade them according to importance :

(a) *Employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value £160 a year, or in cases where such employment involves part-time service only, at a rate of remuneration which, in the opinion of the Insurance Commissioners, is equivalent to a rate of remuneration exceeding £160 a year for whole-time service.*

(b) *Employment of a casual nature otherwise than for the purposes of the employer's trade or business, and otherwise than for the purposes of any game or recreation where the persons employed are engaged or paid through a club, and in such case the club shall be deemed to be the employer..*

(c) Employment in the naval or military service of the Crown, including service in the Officers' Training Corps, except so far as specially provided by the Act (see Section 46).

Then follow three classes of persons for whom provision for sickness is already in existence, viz. :

(d) *Employment under the Crown* where the Insurance Commissioners certify that the terms of the employment are such as to secure provision in respect of sickness and disablement, on the whole not less favourable than the corresponding benefits conferred by Part I. of the Act.

(e) *Employment as an elementary school teacher*, or, more precisely, as a teacher to whom the Elementary School Teachers' Superannuation Act, 1898, or a scheme under Section 14 of the Education (Scotland) Act, 1908, or the National School Teachers (Ireland) Act, 1879, applies, or in the event of any similar enactment being hereafter passed as respects teachers or any class of teachers (other than teachers in public elementary schools) as a teacher to whom such enactment applies.

(f) *Employment as a clerk or other salaried official in the service of a railway or other statutory company, or of a joint committee of two or more such companies, where the Insurance Commissioners certify that the terms of the employment, including his rights in such Superannuation Fund as is hereafter mentioned, are such as to secure provision in respect of sickness and disablement, on the whole, not less*

favourable than the corresponding benefits conferred by Part I. of the Act, and the person so employed is entitled to rights in a Superannuation Fund established by Act of Parliament for the benefit of persons in such employment, or in Ireland is entitled to rights in any such Superannuation Fund, or in any railway Superannuation Fund which may be approved by the Insurance Commissioners.

(g) *Employment as an agent paid by commission or fees or a share in the profits*, or partly in one and partly in another such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some other occupation, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

(h) *Employment in respect of which no wages or other money payment is made*, (1) where the employer is the occupier of an agricultural holding and the employed person is employed therein, and (2) where the person employed is the child of, or is maintained by, the employer.

(i) *Employment of any special class* which may be specified in a Special Order as being of such a nature that it is *ordinarily adopted as subsidiary employment only*, and not as the principal means of livelihood. The Order now in force as to subsidiary employments is the National Health Insurance (Subsidiary Employments) Consolidated Order, 1914. As its contents hardly affect commercial or manufacturing industry, it does not seem necessary to set them forth.

(k) *Employment as a member of a crew of a fishing vessel*, where the members of such crew are *remunerated by shares in the profits or the gross earnings* of the working of such vessel, in accordance with any custom or practice prevailing at any port, if a Special Order is made for the purpose by the Insurance Commissioners, and the particular custom or practice prevailing at the port is one to which the Order applies.

(l) Employment in the service of the husband or wife of the employed person.

**Individual Exemption Certificates.**—The 1st Schedule to

the Act defines the classes of persons who are 'employed within the meaning of the Act.' If a person is not so employed then he is not compulsorily insured, and his master need not trouble to pay any contributions in respect of him. He is in the same position as if the Act had not been passed, unless he cares to become a voluntary contributor.

But even if a person is 'employed within the meaning of the Act,' there may be some feature about his personal position which makes it unnecessary for him to be insured against sickness, and in such a case he can obtain an individual exemption certificate, which absolves him from any personal contribution. This absolution does not, however, affect the employer, who is bound to pay his contributions in respect of all such of his servants as are 'employed within the meaning of the Act.' Under the Act of 1911 a master's contributions in respect of such of his servants as held exemption certificates were of the nature of a bonus for the funds in the hands of the Insurance Commissioners. The Commissioners took the proceeds of the stamps affixed in respect of these persons, and had no corresponding liabilities. This anomaly has been corrected by Section 9 of the Act of 1913, which gives the holders of exemption certificates medical and sanatorium benefit.

Exemption certificates may be granted (Act of 1911, Section 2, and Act of 1913, Section 5) to any person employed within the meaning of Part I. of the Act on his proving :

(a) That he is in receipt of any pension or income of the annual value of £26 or upwards not dependent upon his personal exertions ; or

(b) That he is ordinarily and mainly dependent for his livelihood upon some other person ; or

(c) That he is ordinarily and mainly dependent for his livelihood on the earnings derived by him from an occupation which is not employment within the meaning of Part I. of the Act.

Claims for exemption are now regulated by the National Health Insurance (Claims for Exemption) Regulations (England), 1914 (S. R. & O., 1914, No. 457).

The benefits of exempt persons are more precisely defined by the National Health Insurance (Exempt Persons' Benefits) Regulations, 1914 (S. R. & O., 1914, No. 1631).

The obligations on employers in respect of exempt persons will be found in Par. 14 of the Collection of Contributions Consolidated Regulations, 1914, which are set out in Appendix XII. (a).

**Rates of Contributions.**—Under the 2nd Schedule, Part I., the normal rate of contribution is 7d. a week for a man and 6d. a week for a woman. There are variations for adults in receipt of low wages, and for persons employed under a custom which secures payment of wages in full by the employer for a period. Both these points are dealt with in subsequent paragraphs.

**Person to pay Contributions.**—The employer in the first instance pays the whole contribution by the purchase of a weekly stamp of the appropriate value, which is affixed by him to the contributor's card. He deducts from the workman's wages the share which the workman is liable to contribute. The employer's obligations are set forth in detail in the National Health Insurance (Collection of Contributions) Consolidated Regulations, 1914, which are set out in Appendix XII. (a). The special provisions as to outworkers contained in Part IV. are dealt with in a separate paragraph, and a short summary of two other parts may be of interest. Part V. deals with *Grouped Employers*, and provides that where any persons are ordinarily employed by two or more employers in a week, the employers, or any class or group of the employers of those persons, may, if they think fit, submit to the Commissioners a scheme for the payment of contributions under the Act in respect of those persons, and the Commissioners, if satisfied on certain points, may approve the scheme. Part VI. deals with the difficult question of *Intermediate Employers*. Where a contributor engaged in certain scheduled employments (mines, factories and workshops, etc.) works under the general control and management of the owner, occupier, etc., that person (called the principal employer) is, notwithstanding that he is not the immediate employer of the contributor, to be deemed

to be the employer for the purposes of the provisions of the Act relating to the payment of contributions. The principal employer is entitled to deduct the amount of any contribution paid by him on behalf of any contributor whose employer he is deemed to be from any sums payable by him to the immediate employer, and the immediate employer is to be entitled to recover from the employed contributor the like sum and in the like manner as if he had paid the contribution.

**Contributions in the Case of Low Wages to Adults.**—In order to penalise the master who pays inadequate wages to adults, and to lighten the burden of insurance to the worker where such wages are paid, the following scale of contributions applies in the case of persons over the age of 21 years who are in receipt of the exceptionally low wages mentioned below :

Rate of Wages.	Employer pays for		State pays	Worker pays
	Men	Women		
1s. 6d. a day ( <i>i.e.</i> 9s. a week) or under . .	6d.	5d.	1d.	<i>Nil.</i>
2s. a day ( <i>i.e.</i> 12s. a week) or under . .	5d.	4d.	1d.	1d.
2s. 6d. a day ( <i>i.e.</i> 15s. a week) or under . .	4d.	3d.	<i>Nil.</i>	3d.

From this table it will be seen that the normal rule applies in the case of a woman who receives over 12s. a week, and in the case of a man who receives over 15s. Special cards are provided for low-wage contributors.

For the application of this principle to industries where the remuneration is fluctuating, see the National Health Insurance (Normal Rate of Remuneration) Provisional Order (No. 3), 1914, set out in Appendix XII. (b).

**Outworkers.**—In the case of workers who take their work to their homes, the week's work may range from a few hours upwards. Also work may be given out in one week, executed in another, and paid for in a third week, and it may be

difficult to say in which week or weeks the worker was employed. Again, this kind of labour is badly paid. The result of making an employer pay a full week's contribution on the wage for a few hours' work would be to cause a re-organisation of the system, which would either abolish homework altogether, or limit it to persons who could devote their whole time to it. The Insurance Commissioners therefore dealt with the matter by a Special Order, under which a week's stamp may be provided by the employer for every payment of wages which may fairly be taken to represent a fair and normal week's work, known as 'a unit of work.'

This Special Order is now represented by Part IV. of the National Health Insurance (Collection of Contributions) Consolidated Regulations, 1914 [Appendix XII. (a)]. An employer should note that to take advantage of this scheme he must give 'a notice of entry' to the Insurance Commissioners, and must keep conspicuously posted in the place where he gives out articles or materials to outworkers, in such manner as to be seen by those outworkers, a notice in a form approved by the Commissioners containing a statement of the unit of work applicable to each class of work there given out, and a table of the rates of contribution payable.

It has already been pointed out that outworkers are usually badly paid. The low wage provisions of the Act of 1911 were not readily applicable to outworkers, but by Section 25 of the Act of 1913 powers were given to the Commissioners under which they have been able to deal with this point, and now under the National Health Insurance (Normal Rate of Remuneration) Order, 1914 (S. R. & O., 1914, No. 1304), certain classes of outworkers are treated as being in receipt of the various standards of low wages which govern reduced contributions. This Order is set out in full in Appendix XII. (c).

**Ordinary Benefits.**—Under Section 8 of the Act of 1911 the benefits to which members of Approved Societies are entitled are five in number :

(a) "Medical benefit," *i.e.* medical treatment and attendance, including the provision of proper and sufficient medicines, and such medical and surgical appliances as

may be prescribed by Regulations to be made by the Insurance Commissioners.

The insured person is entitled to this benefit from the moment of entry into insurance.

Full particulars of what this benefit consists and of the arrangements for administering it are contained in the National Health Insurance (Medical Benefit) Regulations (England), 1913 (S. R. & O., 1914, No. 5). This has been slightly amended by a further Regulation (S. R. & O., 1914, No. 1865).

(b) "Sanatorium benefit," *i.e.* treatment in sanatoria or other institutions or otherwise when suffering from tuberculosis or such other diseases as the Local Government Board, with the approval of the Treasury, may appoint. 'Otherwise' covers treatment in the patient's home by the supply of extra nourishment.

The insured person is entitled to this benefit from the moment of entry into insurance.

(c) "Sickness benefit," *i.e.* periodical payments whilst rendered incapable of work by some specific disease or by bodily or mental disablement, of which notice has been given, commencing from the fourth day after being so rendered incapable of work, and continuing for a period not exceeding twenty-six weeks.

The ordinary rates of benefit (Schedule 4 of the Act of 1911) are 10s. a week for men and 7s. 6d. a week for women for the whole period of twenty-six weeks. In the case of unmarried minors, the rate is for males 6s. a week for thirteen weeks, and then 5s. a week for thirteen weeks, and for females 5s. a week for thirteen weeks, followed by 4s. a week for thirteen weeks.

An insured person cannot claim sickness benefit until six months after his entry into insurance, and until twenty-six contributions have been paid by him.

(d) "Disablement benefit," *i.e.* in the case of the disease or disablement continuing after the determination of sickness benefit, periodical payments so long as rendered incapable of work by the disease or disablement.

The ordinary rate of disablement benefit is 5s. a week for



both men and women, and for unmarried female minors it is 4s. a week.

An insured person cannot claim disablement benefit until two years after his entry into insurance, and until one hundred and four contributions have been paid by him.

Disablement from a disease or a succession of diseases will be treated as continuous, unless the insured person has been off benefit for at least twelve months, and has paid at least fifty contributions. Thus, suppose after a man of ten years' standing as an insured person contracts spinal disease and is disabled for two years, during which he draws twenty-six weeks benefit at 10s. and seventy-eight weeks at 5s., and then recovers. If he goes back to work for a year and makes fifty payments, and then falls ill again, say with bronchitis, he is entitled to 10s. a week benefit for another twenty-six weeks and then to benefit at 5s. a week, but if he fell ill after only six months he can only get disablement benefit at 5s. a week.

(e) "Maternity benefit," *i.e.* payment in the case of the confinement of the wife, or, where the child is a posthumous child, of the widow of an insured person, or of any other woman who is an insured person, of a sum of 30s.

An insured person cannot claim maternity benefit until six months after his entry into insurance, and until twenty-six contributions have been paid by him.

The normal case is that of a married couple, where the husband is the only insured person.

In this case (under Section 14 of the Act of 1913) the grant is administered in the interests of the mother and child in cash or otherwise by the Approved Society of which the husband is a member.

Maternity benefit is in every case the mother's benefit, but where the benefit is payable in respect of the husband's insurance, the wife's receipt, or his receipt, if authorised by her, on her behalf, is a sufficient discharge. Where the benefit is paid to the husband he must pay it to the wife. Where a single woman confined of a child is herself an insured person, she is entitled to the benefit from her own Approved Society.



Where a married woman confined of a child is herself an insured person, she is entitled to receive a maternity benefit from the Society of which she is a member, in addition to any maternity benefit to which she may otherwise be entitled in respect of her husband's insurance, but she must be required to abstain from remunerative work during a period of four weeks after her confinement.

**Benefits for Holders of Exemption Certificates.**—Under Section 9 of the Act of 1913 the Insurance Commissioners must make Regulations under which the contributions paid by employers in respect of persons who hold certificates of exemption are to be applied in providing medical benefit and sanatorium benefit for such persons (see p. 272 *supra*).

**Arrears.**—While a person is in receipt of sick pay or disablement benefit, no contributions are payable and no arrears can accumulate. While a person is out of work he is liable for his own part of the contributions, but on payment of these to his Approved Society, the part of his contributions which would have been payable by his employer had he been in employment are excused, and the amount of his arrears is reduced accordingly (Act of 1913, Section 7).

The question of arrears is now governed by the National Health Insurance (Arrears) Regulations (No. 2), 1914 (S. R. & O., 1914, No. 1036), which are set out in full in Appendix XII. (d).

The main points are that a period of grace is allowed for the payment of any arrears which accrue in respect of a member of an Approved Society during any contribution year at any time within that year or within a period of thirteen weeks after the end of the contribution year. The net penalty arrears are roughly the number of weekly contributions missed and not excused, less three contributions a year. If the net penalty arrears are not paid up within the period of grace a reduction or suspension of benefits ensues during 'a penalty year,' starting on the first Monday in November after the end of the contribution year, in accordance with the following provisions:

(a) If the number of net penalty arrears does not exceed sixteen, the weekly rate of any sickness or disablement benefit

payable *during the first six weeks*, in respect of which benefit is payable, shall be reduced by the sum of 7d. in the case of a man and 6d. in the case of a woman for each net penalty arrear with which the member is debited, so, however, that the rate of benefit shall in no case be less than 2s. a week in the case of a man and 1s. 6d. in the case of a woman.

(b) If the number of net penalty arrears exceeds sixteen, but does not exceed twenty, the member shall be suspended from sickness and disablement benefits *during the first six weeks*, in respect of which benefit would otherwise have been payable.

(c) If the number of net penalty arrears exceeds twenty but does not exceed twenty-six, the member shall be suspended from sickness and disablement benefits during the penalty year.

(d) If the number of net penalty arrears exceeds twenty-six, the member shall be suspended from all the benefits during the penalty year.

**Approved Societies.**—The intention of the Act was that its scheme should be administered by bodies very similar to the existing Friendly Societies, and for that purpose Section 23, Subsection 2, of the Act of 1911 provided that no Society should receive the approval of the Insurance Commissioners unless it satisfied, amongst other conditions, the two following, viz. :

- (1) It must not be a Society carried on for profit; and
- (2) Its constitution must provide, to the satisfaction of the Insurance Commissioners, for its affairs being subject to the absolute control of its members, being insured persons, or, if the rules of the Society so provide, of its members, whether insured persons or not, including provision for the election and removal of the Committee of Management or other governing body of the Society, in the case of a Society whose affairs are managed by delegates elected by members, by such delegates, and in other cases, in such manner as will secure absolute control by its members.

Unfortunately these conditions have to a considerable extent been nullified by another provision, which enables

existing Societies to organise separate sections for 'insured persons.' If this had been limited to existing Societies for the relief of sickness, no great harm would have been done, but the Act gave the power to organise a separate section to 'any Society.' The Societies which insure the working classes for small sums payable at death (in effect burial insurance) immediately took the field, and as they were in touch with the poorest sections of the working classes, while the existing Friendly Societies dealt with the aristocracy of labour, they secured the adhesion of a large number of persons who had previously made no provision for sickness. These Societies are generally known as Collecting Societies, because the weekly premiums are collected by paid agents, who visit the homes of the insured.

As regards the first condition, Collecting Societies make a considerable indirect profit by using the same staff for their two kinds of business. There is apparently nothing to prevent an undue proportion of the working expenses in the shape of salaries from being charged to the 'Approved Society Section,' and so swelling the profits of the parent Society. Further, the writer has himself come across instances where the agent, in paying out sick benefit under the Act, has made deductions on account of premiums for burial insurance. This, no doubt, is illegal, but the section of the working classes dealt with is very ignorant, so that there are practically no safeguards against it. A system under which these premiums for burial insurance are a first charge on sick pay is directly contrary to the spirit, not only of the Insurance Act itself, but of earlier Acts protecting insurance policies from arbitrary cancellation for arrears.

As regards the second provision, the separation of the poorest and most ignorant sections of the working classes from their more fortunate fellows who have already had experience of self-governing societies, makes 'the absolute control of its members' in an Approved Society, which is a section of a Collecting Society or of an amalgamation of Collecting Societies, of little practical value.

Approved Societies administer sickness benefit, disablement benefit, and maternity benefit.

Under Section 30 of the Act of 1911 any insured person and any person entitled to become an insured person may apply to an Approved Society for membership.

An Approved Society is entitled, in accordance with its Rules, to admit or reject any such applicant, or to expel any of its members, being insured persons.

Under Section 31 a member expelled from a Society, on becoming a member of another Approved Society takes with him his 'transfer value.' This represents the amount by which the actuarial value of his past contributions (together with any reserve value originally credited in respect of him) exceeds the actuarial value of the benefits to which he has been entitled up to date.

When a member leaves an Approved Society voluntarily, he cannot take his transfer value to another Approved Society unless he leaves with the consent of his original Approved Society, but this consent must not be unreasonably withheld.

Under Section 67 disputes between a member and his Society are to be decided in accordance with the rules of the Society, but any party to such dispute may in such cases, and in such manner as may be prescribed, appeal from such decision to the Insurance Commissioners.

**Insurance Committees.**—Under Section 59, medical benefit and sanatorium benefit are administered by local bodies called Insurance Committees, constituted for every county and county borough. They are bodies numbering not less than 40 nor more than 80 persons. Three-fifths of the members represent insured persons. One-fifth is appointed by the Council of the county or county borough. There must be a minimum number of medical practitioners, and the remaining members are appointed by the Insurance Commissioners.

**Excessive Sickness** (Section 63).—Sickness is largely a personal matter, and is for the most part treated as such in the Act. Where it is a matter of 'public health,' the consequences may be very serious for the Approved Societies of the district, as, for instance, during a typhoid fever epidemic, and these Societies may be exposed to abnormal

claims, from which they can legitimately claim to be relieved. Further, one of the objects of a national scheme is to decrease sickness as well as to relieve the sufferers, and where ' public health ' is at a low level, public remedies can be applied. A special section of the Act of 1911 deals with excessive sickness due to the following causes, which can all be roughly described as matters of public health, viz. :

(i.) The conditions or nature of employment of insured persons.

(ii.) Bad housing or insanitary conditions in any locality.

(iii.) An insufficient or contaminated water-supply.

(iv.) The neglect on the part of any person or authority to observe or enforce the provisions of any Act relating to the health of workers in factories, workshops, mines, quarries, or other industries, or relating to public health, or the housing of the working classes, or any regulations made under any such Act, or to observe or enforce any public health precautions.

Excessive sickness alleged to be due to any of these causes may be made the basis of a claim against the person or authority alleged to be in default.

The claim and the allegation on which it is founded may be made either by (a) the Insurance Commissioners, (b) any Approved Society, or (c) an Insurance Committee. It must be shown that the excessive sickness has taken place among insured persons, and in cases (b) and (c) among persons for the administration of whose sickness and disablement benefits the Society or Committee is responsible. The claim is for the payment of the amount of any extra expenditure alleged to have been incurred by reason of any of the above-mentioned causes.

In default of agreement as to payment, an inquiry may be demanded to be held either by the Home Office or the Local Government Board.

To establish liability for excessive sickness it must be proved at the inquiry (1) that there has been sickness more than 10 per cent in excess of the average expectation, (2) that it was due to one of the causes stated above, and (3) in all cases other than an outbreak of any epidemic, endemic,

or infectious disease, that it has lasted during a period of not less than three years before the date of the inquiry.

If proof satisfactory to the person holding the inquiry is given on these points, he may order any extra expenditure found by him to have been incurred to be made good as follows :

(i.) Where the excess is due to the conditions or nature of the employment or to any neglect on the part of any employer to observe or enforce any Act or Regulation as before stated, it must be made good by the employer.

(ii. and iv.) Where such excess is due to bad housing or insanitary conditions in the locality, or to any neglect on the part of any local authority to observe or enforce any such Act or Regulation or such precautions as before stated, it must be made good by such local authority as appears to the person holding the inquiry to have been in default, or if due to the insanitary condition of any particular premises, it must be made good either by such authority or by the owner, lessee, or occupier of the premises who is proved to the satisfaction of the person holding the inquiry to be responsible.

(iii.) Where the excess is due to an insufficient or contaminated water-supply, it must be made good by the local authority, company, or person by whom the water is supplied, or who, having imposed upon them the duty of affording a water-supply, have refused or neglected to do so, unless the local authority, company, or person prove that such insufficiency or contamination was not due to any default on their part, but arose from circumstances over which they had no control.

**Casual and Intermittent Employment.**—Under the Act of 1911 the first employer who in any one week gave employment within the meaning of the Act to a person is responsible for the payment of the stamp for that week, and no reduction was made even if the employment lasted only a single day or less. In the case of casual and intermittent labour, this was unfair to the employer, and in practice led to considerable evasion of the Act. A solution of the problem is not easy, and probably no general solution is practicable. In certain industries, such as docks, most interesting experi-

ments have been carried out by the Labour Exchanges in connexion with intermittent labour, and a solution of the problem in relation to dock labour seems in sight. Time and experience will no doubt produce other feasible schemes. Meantime the Act of 1913, by Section 19, empowers the Insurance Commissioners to tackle the problem. They may by Special Order modify the Act of 1911 in its application to persons whose employment is of a casual or intermittent nature, and to the employers of such persons, and any such Order may apply either generally or to any one or more particular trades or industries, and either generally or in any one or more particular localities, and where any such Order is restricted to a particular trade or industry or branch thereof in a particular locality, it may extend to other persons if employed in the same class of employment as the persons to whom the Order primarily relates.

The Order may make provision as to the amount of the employed rate and the contributions payable by the employer and by the employed contributor, and the payment, recovery, and collection of such contributions in such manner, in such proportions, and in respect of such periods as may be specified in the Order, and for the apportionment amongst employers of the amounts payable by employers, and may modify and adapt the provisions of the Act of 1911 accordingly, so, however, that the employer's contributions shall not exceed sixpence in any week, nor the employed contributor's contributions fourpence (or in the case of a woman threepence) per week, nor, if the contributions are payable day by day, shall the employed contributor's contribution for any day exceed one penny.

**Effect of Marriage on Insured Women.**—As working-class girls now enter into insurance at 16 years of age, they will usually, on marriage, have a certain transfer value attached to them, but as they will also on marriage usually cease from industrial occupations, the question arises what is to be done with their transfer value. A system could of course be devised under which they could draw out the value of their unexhausted benefits, but such a system would have this drawback, that if ever they had to earn their livings again,



they would have to re-enter insurance at an advanced age, and would have to submit to some disability such as a reduction of benefits. The scheme of the Act (Section 44) is to use part of the transfer value to enable a married woman to re-enter insurance on widowhood without submitting to any disability, and to give her the benefit of the balance in some useful form.

The first point to note is that marriage by itself does not affect the position of the insured woman, but only marriage coupled with withdrawal from employment within the meaning of the Act. As soon, however, as a woman marries and gives up employment, she is suspended from receiving the ordinary benefits under the Act until the death of her husband. If she is a member of an Approved Society, one-third of her transfer value must be carried to a separate account, called the Married Women's Suspense Account, and if at any time after the death of her husband she becomes once more an employed contributor, the period between her marriage and the expiration of one month from the death of her husband must be disregarded for the purpose of reckoning arrears. In other words, she is in the same position as if she had been continuously insured during her marriage.

As to the other two-thirds of her transfer value, she can either forfeit it and become a voluntary contributor on certain reduced terms, or, what is the more likely alternative, she can have it applied for her benefit as a special maternity grant, or during periods of sickness or distress.

Where a woman is a member of an Approved Society at the time when she is entitled to exercise this option, it is the duty of her Society to give her full information as to the nature of her rights.

If after suspension from ordinary benefits a married woman becomes employed before the death of her husband, contributions again become payable in respect of her, and she will become entitled to ordinary benefits, but on the footing that she has not previously been an insured person; that is to say, she may have her ordinary benefits reduced on the footing that she has entered into insurance at her



actual age of re-employment, and not at the standard age of 17 or under.

Divorce, or separation from or desertion by her husband continued for two years, is treated as equivalent to death for the purpose of these provisions.

**Wages Paid during Sickness.**—If the Insurance Commissioners are satisfied that a custom or practice prevails in any class of employment according to which the persons employed receive full remuneration during periods of disease or disablement or part thereof, then they are to make Special Orders recognising this, and adapting the provisions of the Act to such custom or practice on the following lines laid down in Section 47.

Any employer who wishes to have the benefit of the modified scheme must give the Insurance Commissioners a prescribed notice, and then—

(a) The employer is to be liable to pay full remuneration to every person within the custom or practice during any period or periods not exceeding six weeks in the aggregate in any one year during which such person may be suffering from any disease or disablement commencing while such person is in his employment, notwithstanding that such person may have left his employment before the expiration of that time (with a more onerous liability where any such person is engaged for a term of not less than six months certain).

(b) Sickness benefit is not to be payable in respect of any period during which full remuneration is payable by the employer, but for the purpose of calculating the rate and duration thereof, it is to be deemed to have been paid for six weeks before the date as from which it becomes actually payable. In other words, the employer's remuneration takes the place of the first six weeks' sick benefit.

(c) The employed rate is to be reduced by twopence, or, where the employed contributor is a woman, by three halfpence.

(d) Of this reduced contribution the employer is to have the benefit of one penny in the case of a man and one halfpenny in the case of a woman, and the employed contributor is to have a reduction of a penny.

(e) If a person who has been subject to this modification of the scheme becomes temporarily unemployed, his arrears are calculated at the reduced rate, but if he falls ill he is still excluded from sickness benefit for six weeks, although his past employer may be under no liability to him for wages.

(f) None of these provisions are to apply as respects any person employed at a rate of remuneration which is less than ten shillings a week.

Any question as to whether an employer is entitled to avail himself of these provisions as respects any persons employed by him shall be determined by the Insurance Committee, subject to appeal to the Insurance Commissioners.

An employer may, by giving three months' previous notice to the Insurance Committee, withdraw from these provisions as from the commencement of the next calendar year.

The Insurance Commissioners made several Special Orders under this section, and most of these are now represented by the National Health Insurance (Special Customs) Consolidated Order, 1914, which is set out in Appendix XII. (e). Other Orders dealing with Crown employment and certain special employers are not material for the purposes of this book.

**Protection against Distress and Execution.**—Under Section 68, where the medical practitioner attending on any insured person in receipt of sickness benefit certifies that the levying of any distress or execution upon any goods or chattels belonging to an insured person, and being in premises occupied by him, or the taking of any proceedings in ejectment or for the recovery of rent, or to enforce any judgment in ejectment against such person, would endanger his life, and such certificate has been sent to the Insurance Committee and has been recorded as provided in the Act, it shall not be lawful during any period which can lawfully be named in the certificate for any person to levy any such distress or execution or to take any such proceedings or to enforce any such judgment against the insured person.

An appeal as to the accuracy of the certificate lies to the Registrar of the County Court.

A certificate continues in force for one week or such less period as may be named in it, but the certificate may be renewed for any period not exceeding one week up to but not beyond the expiration of three months from the date of the grant of the original certificate. Renewals must be sent to the Insurance Committee and recorded.

The landlord or the judgment creditor can demand proper security for payment of the rent, to become due after the expiration of one month from the date of the grant of the original certificate, or the amount of the judgment debt, and if proper security is not given, the protection lapses at the end of one month. Any dispute as to the sufficiency of the security is to be determined by the Registrar of the County Court.

These certificates are to be forthwith sent to the Insurance Committee and recorded by them in a special register without fee, and such register is at all reasonable times to be open to inspection.

## CHAPTER XIX

### UNEMPLOYMENT INSURANCE

**PART II.** of the National Insurance Act, 1911, deals with the payment of benefit to workmen during periods of unemployment. It has been amended by the National Insurance (Part II., Amendment) Act, 1914. The scheme of the Act is to provide for the compulsory insurance of workers in certain scheduled trades, and to encourage the voluntary provision of unemployment benefit by Trade Unions or other Associations of workmen. Where the insurance is compulsory, the burden of it is shared between the master, the workman, and the State, and possibly the Workmen's Association. Where an Association provides the benefit voluntarily, the State on certain conditions makes a subsidy, but the masters are not in any way parties to the arrangement. The compulsory scheme is that with which this book is primarily concerned, but the voluntary scheme will be explained in due course.

**Definition of Workman.**—Under Section 107 workman means any person of the age of 16 or upwards employed wholly or mainly by way of manual labour, who has entered into or works under a contract of service with an employer, whether the contract is expressed or implied, is oral or in writing, but does not include an indentured apprentice.

This is practically the same as the definition of a workman for the purposes of the Truck Acts and the Employers and Workmen Act, 1875.

Indentured apprentices are excluded because, while their indentures are in force, they cannot be out of work.

It should be noted that females as well as males are included in the definition, but as a matter of fact in only two of the scheduled trades is it usual to employ women.

Contributions and benefits are the same for both men and women, and women are not separately mentioned in this part of the Act.

**The Scheduled Trades.**—The following are the trades to which compulsory insurance now applies :

(1) *Building, i.e.* the construction, alteration, repair, decoration, or demolition of buildings, including the manufacture of any fittings of wood of a kind commonly made in builders' workshops or yards.

(2) *Construction of works, i.e.* the construction, reconstruction, or alteration of railroads, docks, harbours, canals, embankments, bridges, piers, or other works of construction.

(3) *Shipbuilding, i.e.* the construction, alteration, repair, or decoration of ships, boats, or other craft by persons not being usually members of a ship's crew, including the manufacture of any fittings of wood of a kind commonly made in a shipbuilding yard.

(4) *Mechanical engineering, including the manufacture of ordnance and firearms.*

(5) *Iron-founding.*

(6) *Construction of vehicles, i.e.* the construction, repair, or decoration of vehicles.

(7) *Saw-milling* (including machine woodwork) carried on in connexion with any other insured trade or of a kind commonly so carried on.

On May 6, 1914, the Board of Trade gave notice that they proposed to make two Special Orders, extending these provisions (a) to workmen in the trade of saw-milling (including machine woodwork), whether carried on in connexion with any other insured trade or not, and (b) to workmen in the trade of repairing works of construction other than roads and the permanent way of railways. On June 5, 1914, the Board of Trade gave notice that a public inquiry would be held as to the proposed Orders. No further steps have yet been taken.

It will be seen that the schedule comprises a list of trades,

so that it is possible for a particular workman (if he is easily transferable from one trade to another) to be sometimes insurable and sometimes uninsurable. This frequently occurs in the case of unskilled labour. It also follows that some of the workmen under an employer may be insurable while others are not. For instance, chocolate manufacturers will have a staff of engineers, and possibly bricklayers and painters, constantly in their employ. These will be insurable, while those engaged in the manufacturing processes will not be insurable. To make this quite plain, Section 107 (2) provides that in determining any question as to whether any trade in which a workman is or has been employed is an insured trade or not, regard shall be had to the nature of the work in which the workman is engaged rather than to the business of the employer by whom he is employed.

In order that the question whether any particular workman is or is not insurable may be quickly settled without expense, the Act provides for the appointment of an Umpire, who is a permanent official appointed by His Majesty [Section 89 (1)], and for the making of Regulations [Section 91 (1)] for giving employers and workmen and the Board of Trade an opportunity of obtaining a decision by him on any question whether contributions are payable in respect of any workman or class of workmen. The Unemployment Insurance (Umpire) Regulations are set out in Appendix XIII. (c). The Umpire has already given some 1500 decisions.

**Contributions.**—Section 85 and the 8th Schedule provide that in the case of workmen 18 years of age or over, every workman employed in an insured trade shall contribute for every week he is so employed 2½d., and that the employer shall contribute an equal amount. A workman below the age of 18 pays 1d. per week, and his employer a like sum, but these reduced weekly payments only count as two-fifths of a contribution, except as regards unemployment benefit payable before he reaches the age of 18.

Under this part of the Act contributions can be reduced for employment which lasts for a part of a week only, but employment for three days is equivalent to employment

for a week. For one day's employment 1d. is payable by both workman and employer, and for two days' employment 2d. is payable by both. Contributions at these reduced rates are treated as two-fifths or four-fifths of a contribution as the case may require.

The State contribution is one-third of the total contribution of the master and workman, and in a normal case will be 1½d. per week. Of the total income the State can reserve 10 per cent for administration. In the normal case this leaves 6d. a week for benefits.

**Payments, Contribution Books, etc.**—Section 85 further provides that except where the Regulations under this part of the Act otherwise prescribe, the employer is, in the first instance, to be liable to pay both the contribution payable by himself and also (on behalf of and to the exclusion of the workman) the contribution payable by such workman, and subject to such Regulations is to be entitled, notwithstanding the provisions of any Act or any contract to the contrary, to recover from the workman by deductions from the workman's wages or from any other payment due from him to the workman, the amount of the contributions so paid by him on behalf of the workman. The Board of Trade may make Regulations providing for any matters incidental to the payment and collection of contributions, and in particular for—

(a) Payment of contributions by means of adhesive or other stamps affixed to or impressed upon books or cards, or otherwise, and for regulating the manner, times, and conditions in, at, and under which such stamps are to be affixed and impressed or payments are otherwise to be made.

(b) The issue, sale, custody, production, and delivery up of books or cards, and the replacement of books or cards which have been lost, destroyed, or defaced.

Four sets of Regulations have been made by the Board of Trade, namely, the Unemployment Insurance Regulations, 1912, and Supplementary Regulations in 1913, 1914, and 1915, amending the earlier Regulations. The Regulations as now in force are set out in full in Appendix XIII. (b).

The Regulations which are concerned with the points dealt with in this paragraph are Regulations 3 to 9, both inclusive.

Under these Regulations it is the duty of the workman to obtain an unemployment book ; the employer in engaging a workman must obtain from the workman or the Local Office his current unemployment book, for the custody of which the employer becomes responsible. Whilst so responsible the employer must produce the book for inspection at any reasonable time when required to do so by an Inspector appointed for the purposes of this part of the Act, and must afford the workman a reasonable opportunity of inspecting his book, but not more than once in any one month.

**Basis of Benefits.**—It is evident from what has already been said as to the possibility of a man being sometimes insurable and sometimes uninsurable, that equality cannot with any certainty be established between persons of the same age as regards their contributions. Under Part I. every man of the same age will be in the same position in this respect. The Unemployment Fund cannot, therefore, on equitable principles be treated merely as a Mutual Fund. The scheme of the Act is to treat the Fund partly as a mutual insurance fund and partly as a deposit fund, in which each workman's contributions are earmarked. Thus the main provision for benefit is that five weeks' contributions entitle the contributor to one week's benefit ; in other words, benefit bears a definite relationship to contributions paid, but the benefit receivable may be considerably in excess of what the contributions amount to.

One important provision for the return of contributions to a workman is entirely based on the deposit aspect of the scheme. Thus under Section 95 of the Act of 1911, a workman who has paid contributions in respect of 500 weeks and has attained the age of 60 may claim to be repaid the amount, if any, by which the total amount of such contributions has exceeded the total amount received by him out of the Unemployment Fund, together with compound interest at the rate of  $2\frac{1}{2}$  per cent per annum. A similar claim may be made by his personal representatives if he dies after the age of 60 without having exercised the right in his lifetime.



The Act of 1914 (Section 6) introduces two modifications, making the scheme applicable (*a*) to any workman who was over 55 years at the time when contributions first became payable in respect of him, and (*b*) to the payment of further contributions by a workman after a repayment. Section 95 of the Act of 1911 and Section 6 of the Act of 1914 are set out in full in Appendix XIII. (*a*).

**Benefits.**—Under Section 84 and the 7th Schedule to the Act of 1911 and Section 17 of the Act of 1914, the benefit payable during unemployment is 7s. a week, in respect of each week following the first week of any period of unemployment, but for not more than fifteen weeks in any one insurance year. The definition of 'insurance year' is given in Appendix XIII., p. 577. The limitation to fifteen weeks in any one insurance year is in addition to the rule of one week's benefit for every five weeks' contributions. The following examples illustrate the joint working of these two limitations: (A) A man is fortunate enough to have three years' continuous work. He accumulates enough contributions to provide him with the maximum benefit of fifteen weeks for two insurance years in succession. (B) A man has exhausted all the benefit due to him before getting back to work at the beginning of a new insurance year. He cannot in that insurance year, under the most favourable circumstances, draw more than about eight weeks' benefit.

For young persons between the ages of 16 and 17 no benefit is payable, while between the ages of 17 and 18 they are entitled to three shillings and sixpence per week.

It will be noticed that an unemployed workman receives no benefit in respect of the first week of any period of unemployment. A succession of short jobs, each involving a 'waiting week,' might bear hardly on a workman. A mitigation of this possible hardship is provided by Section 107, under the terms of which (*a*) two periods of unemployment of not less than two days each, separated by a period of not more than two days, during which the workman has not been employed for more than twenty-four hours, and (*b*) two periods of unemployment of not less than one week each, separated by an interval of not more than six weeks, are to be

treated as a continuous period of unemployment, and the expression "continuously unemployed" is to have a corresponding meaning.

There are other points as to 'unemployment' which require care. A man may be doing a few hours a week at an insured trade, or he may temporarily be doing work in an uninsured trade, or a workman, besides being employed in an insured trade, may outside his work hours have a further remunerative employment, and may then lose his work in the insured trade. Some provision for these cases was made by Section 107, and an amendment made by Section 15 of the Act of 1914 is added in italics.

A workman is not to be deemed to be unemployed whilst he is following any remunerative occupation in an insured trade, or whilst he is following any other occupation from which he derives any remuneration or profit greater than that which he would derive from the receipt of unemployment benefit, *unless such other occupation has ordinarily been followed by the workman in addition to his employment in an insured trade and outside the ordinary working hours of such trade, and the rate of remuneration therefrom does not exceed one pound per week.*

**Statutory Conditions for obtaining Benefit.**—Certain statutory conditions must be fulfilled before unemployment benefit can be obtained. They are to be found in Section 86 of the Act of 1911 and Section 1 of the Act of 1914. The object of these conditions will be apparent without explanation.

(1) The workman must prove that not less than ten contributions have been paid by him under Part II. of the Act of 1911.

This replaces a condition which, amongst other things, excluded a workman from claiming benefit after he had been out of an insured trade for more than four and a half years. Under this present condition a workman is 'in benefit' as soon as he has paid ten contributions; and subject to his not having exhausted his benefit under the rules given above, he remains in benefit whether he works in an insured trade or not. No question of arrears, as distinct from omission to pay contribu-

tions, can ever arise. For instance, a man works as a carpenter for two years after the introduction of the Act and pays 100 contributions. He then meets with an accident, and after his recovery is made time-keeper and keeps his new situation for five years, during which he will pay no contributions. His master fails, and he is thrown out of employment. He is still 'in benefit,' and can draw up to fifteen weeks' unemployment benefit in that insurance year.

(2) The workman must have made application for unemployment benefit in the prescribed manner, and must prove that since the date of the application he has been continuously unemployed, as defined above.

This condition is amplified by the Unemployment Insurance Regulations, Pars. 10 and 11 [see Appendix XIII. (b)], which prescribe the filling up of a form with particulars as to last employment, date of leaving, etc., and make it necessary for a man to sign a daily register at the Labour Exchange<sup>1</sup> or local office of the Board of Trade.

The particulars as to past employment make it possible for the Insurance Officer to get information as to the reason why the workman left his employment, and this information can be made the ground of a 'disqualification' under Section 87, which is explained below.

(3) The workman must be capable of work, but unable to obtain suitable employment.

<sup>1</sup> Labour Exchanges were authorised by the Labour Exchanges Act, 1909. Under this Act the Board of Trade may establish and maintain in such places as they think fit, Labour Exchanges, and may assist any Labour Exchanges maintained by any other authorities or persons, and may co-operate with any other authorities or persons having powers for the purpose. The Board of Trade may make general regulations with respect to the management of Labour Exchanges, and these regulations may authorise advances to be made by way of loan towards meeting the expenses of work-people travelling to places where employment has been found for them through a Labour Exchange.

The regulations must provide that no person is to suffer any disqualification or be otherwise prejudiced on account of refusing to accept employment found for him through a Labour Exchange where the ground of refusal is that a trade dispute which affects his trade exists, or that the wages offered are lower than those current in the trade in the district where the employment is found.

The Board of Trade may establish (and have established) advisory committees for the purpose of giving the Board advice and assistance in connexion with the management of Labour Exchanges.

When a workman is not capable of work in the physical sense, which is the meaning intended, he will as a general rule be entitled to benefit under Part I. of the Act, or to Workmen's Compensation if disabled by an accident, but in any case Part II. of the Act is obviously not intended to apply to disabled work-people.

The question of suitable employment involves many factors, but the determination of the question whether an offer of a particular job is or is not an offer of suitable work, the refusal of which involves the non-fulfilment of this condition, is much simplified by Section 86, which expressly gives a workman the right to decline—

(a) An offer of employment in a situation vacant in consequence of a stoppage of work due to a trade dispute.

(b) An offer of employment in the district where he was last ordinarily employed at a rate of wage lower, or on conditions less favourable, than those which he habitually obtained in his usual employment in that district, or would have obtained had he continued to be so employed.

The last sentence in this clause covers the case of a recognised fall of wages, *e.g.* a Trade Union agrees with a Master's Federation that from the first of the next month wages shall be decreased by  $\frac{1}{2}$ d. an hour. A man who falls out of employment before the end of the month, and is offered and refuses work at the lower rate, after it has come into force, cannot defend himself on the ground of his having habitually obtained a higher rate. This sentence has also been held by the Umpire to cover the case of an old man when he is no longer worth the full rate. If it is clear that no one would continue to employ him at his habitual rate of earnings, he loses the protection of this clause.

(c) An offer of employment in any other district at a rate of wage lower or on conditions less favourable than those generally observed in such district by agreement between Associations of employers and of workmen, or failing any such agreement, than those generally recognised in such district by good employers.

In short, the policy of the Act is to maintain an attitude

of neutrality in labour disputes, and to preserve the right of a workman to maintain his status as a wage-earner.

(4) He must not have exhausted his right to benefit.

**Suspension from Benefit.**—Under Section 87 in certain circumstances a workman otherwise qualified for benefit, in that he has satisfied the statutory conditions, is suspended from benefit (a) because he is out of employment through a trade dispute, or (b) because of the circumstances under which he was dismissed from or left his employment. Both suspensions are carefully guarded.

(a) *Trade Disputes.*—Before a workman is suspended from benefit on the ground that he has lost employment owing to a trade dispute, it must be shown that the trade dispute took place at the factory, workshop, or other premises at which he was employed. Thus, if Factory A is dependent for its material on Factory B, so that a strike at Factory B causes Factory A to shut down through shortness of material, the workers at Factory A are not disqualified under this section. There is a further provision that where separate branches of work which are commonly carried on as separate businesses in separate premises are in any case carried on in separate departments on the same premises, each of those departments is to be deemed a separate factory or workshop or separate premises, as the case may be. The importance of this provision may be estimated when it is stated that out of the first 500 appeals to the Umpire 57 turned on this point, and that a tabulated statement of 167 appeals on this point has recently been issued by the Board of Trade. One example must suffice. A workman had been engaged as a wagon builder and repairer in the wagon-building department of a firm of steel-smelters and colliery proprietors. A strike of roll-turners resulted in the closing down of all departments. It was held that the workman was employed in a separate department from that in which the trade dispute took place, and that wagon building and repairing was commonly carried on as a separate business from steel-smelting, and on separate premises.

Further, it must be shown that the workman has lost employment by reason of a stoppage of work which was due

to a trade dispute, and that the stoppage of work still continues. In some cases two or three men will raise a dispute which can fairly be called a trade dispute, but their work can at once be given to other men, and though they lose their work, there is no 'stoppage of work.' They cannot be disqualified under this provision, though possibly they may have left their employment voluntarily without just cause.

The disqualification for receiving unemployment benefit, where it is established, lasts so long as the stoppage of work continues, except in a case where the workman has, during the stoppage of work, become *bona fide* employed elsewhere in an insured trade.

(b) *Personal Disqualifications*.—A workman who loses employment through misconduct or who voluntarily leaves his employment without just cause is disqualified for receiving unemployment benefit for a period of six weeks from the date when he so lost employment. This disqualification is not removed by obtaining employment elsewhere during the six weeks, and if during that period he is a second time out of work, he still remains disqualified till the period has expired.

Misconduct covers industrial shortcomings as well as personal matters, such as drunkenness and violence. Keeping bad time and being absent without leave or without explanation are very common causes of disqualification. Spoiling work is sometimes alleged to be due to misconduct, but is more often due to incompetence or momentary inattention or carelessness, such as is sometimes shown by the most careful workman.

Just causes for leaving employment may be very various. In many cases a workman takes a job with inexact knowledge of the rate of wages, especially in the case of piece-work, and of the conditions of his work. If it turns out that he might have refused the offer of employment without penalty under the provisions set out above, he usually has just cause for voluntarily leaving it. In the same way a man is not bound to endanger his status, and if he has even with full knowledge taken inferior work, he is not bound to keep it indefinitely if he has a reasonable prospect of returning to

his real trade. In other cases a master's behaviour may be such as to justify a man's voluntarily leaving.

**Claims and Disputes.**—As has already been pointed out, claims must be made in the prescribed manner, and the functions of Insurance Officers, Courts of Referees, and the Umpire in settling disputed claims are dealt with in Chapter XXI.

**Associations Paying Unemployment Benefit.**—At the time when the Act was passed it was estimated that 2,550,000 work-people of 16 years of age and upwards would come within the compulsory insurance scheme at the outset, and that about 350,000 of these were already members of Associations paying unemployment benefit. The Act seeks to maintain and extend this arrangement.

Under Section 105 the Board of Trade may, on the application of any Association of workmen, the rules of which provide for payment to its members, *being workmen in an insured trade*, or any class thereof, whilst unemployed, make an arrangement with such Association that in lieu of paying unemployment benefit to workmen who prove that they are members of the Association, there shall be repaid periodically to the Association out of the Unemployment Fund such sum as appears to be, as nearly as may be, equivalent to the aggregate amount which such workmen would have received during that period by way of unemployment benefit under the Act if no such arrangement had been made, but in no case exceeding three-fourths of the amount of the payments made during that period by the Association to such workman whilst unemployed.

Section 13 of the Act of 1914 introduces a further limitation. The Board of Trade shall not make or continue an arrangement with an Association under Section 105 of the Act of 1911 unless they are of opinion that the payments authorised by the rules of the Association to be made to its members when unemployed represent a provision for unemployment, as respects such of its members as are workmen in an insured trade, which is at least one-third greater than the provision represented by unemployment benefit under the Act of 1911. In effect this means that Associations of



insured workmen, in order to take advantage of Section 105, must offer unemployment benefit of not less than 9s. 4d. a week, in return for which they can get a repayment under this section of 7s. a week. The repayment under Section 105 is not the only advantage given to an Association of insured workmen paying unemployment benefit, as such an Association is also entitled to share in the subsidy granted under Section 106 to any Association of workmen which voluntarily provides unemployment benefit for its members. This additional advantage can be best explained when Section 106 is being dealt with (see below).

The Board of Trade will only make repayments on the same terms as direct payments, so that statutory conditions and disqualifications are as material to members of Association as to others. Disputes, however, take the form, not of individual claims reportable to a Court of Referees, but of disputes between the claiming Association and the Board of Trade. Under the Act of 1911 any questions so arising could only be referred to the Umpire for decision. This was not in practice found a satisfactory mode of settling these disputes, and many Associations voluntarily agreed to have a preliminary hearing of disputes by Courts of Referees. Under the Act of 1914 power was taken to frame Regulations referring these disputes to Insurance Officers and Courts of Referees as well as to the Umpire, and they now stand so referred in the case of all Associations. Pars. 14 to 19, both inclusive, of the Unemployment Insurance Regulations [Appendix XIII. (b)] deal in detail with arrangements with Associations of Workmen under Section 105.

**Diminution of Unemployment.**—One of the possible dangers of a scheme of unemployment benefit is to deprive a workman of the incentive for getting work. Another danger is that employers may become careless whether they retain men in their employment or not. Yet another danger is that such a burden is placed on a man who is never or very seldom out of work, that the scheme becomes unfair to and therefore deservedly unpopular with the best type of workman. The following provisions are addressed to these and kindred difficulties.



(a) *Administrative Provisions.*—Under the Statutory Regulations the administration of the scheme is in the same hands as administer the national system of Labour Exchanges. Claims for benefit are made at a Labour Exchange, and an applicant for benefit is automatically registered as an applicant for employment. If an applicant is offered suitable work through the Labour Exchange and refuses it, he can be disqualified under the statutory condition, which requires that he must be unable to obtain suitable employment.

(b) *Variation of Rates.*—Under Section 102 the rates of contribution and the benefits paid can, within certain limits, be revised every seven years. Rates of contribution can be lowered or can be raised from 2½d. per week to 3½d. per week, and different rates of contribution may be prescribed for different insured trades. It is therefore to the interest of both the main contributing parties, namely, the workmen and employers in an insured trade, to keep the fund solvent, and to keep the claims of their particular trade from exposing them to the penalties of differential treatment. There will, naturally, be many individuals with whom this will weigh little or nothing, but it should appeal to the more thoughtful and conscientious of both employers and employed.

(c) *Refunds to Employers.*—Under Section 5 of the Act of 1914 (repealing Section 94 of the Act of 1911) an employer is entitled to a refund of three shillings in respect of each workman for whom he has paid forty-five contributions during an insurance year. This is roughly a refund of 30 per cent of the employers' contributions, and is a substantial inducement to an employer to retain his men in continuous or practically continuous service. The application for the refund must be made by the employer in the prescribed manner within two months after the termination of an insurance year. Section 5 of the Act of 1914 and the Regulations made thereunder are set out in Appendix XIII. (d).

(d) *Short-time Provisions.*—Under Section 7 of the Act of 1914 provision is made for exemption from contributions during periods of depression if an employer keeps his men on

short time instead of dismissing a proportion of them. The machinery for this is left in the hands of the Board of Trade on the following lines. Where it appears to the Board of Trade that there is exceptional unemployment in any trade or branch of a trade, the Board may, on application being made in the prescribed manner by any employer in that trade or branch, and on the prescribed conditions being complied with, make an Order exempting from contributions—(a) workmen of any specified class or description employed by him who are systematically working short time, and (b) the employer himself. The Board of Trade may make Regulations (1) defining ‘short time’ for the purposes of this section; (2) fixing the maximum period for which an exemption may continue; (3) requiring an employer to deposit at a Labour Exchange the unemployment books of the workmen in respect of whom an exemption is claimed, and to pay the prescribed number of contributions, not exceeding two, in respect of every such workman; (4) for cancelling an Order if it appears that the conditions of the Order are not being complied with. The Unemployment Insurance (Short-time) Regulations are set out in Appendix XIII. (e).

(e) *Casual Labour*.—As has already been pointed out, there are special rates of contributions for casual engagements lasting less than a week. This is a concession to the individual workman, but it is a penalty on the employer, amounting at the worst to a payment of 6d. a week on his part as against the normal 2½d.

(f) *Sums Withdrawable*.—Attention has already been called to the workman’s right to withdraw at the age of 60 his contributions, less any benefit he may have received. This is an encouragement to him to keep down his benefits.

(g) *Unemployables*.—In this connexion a special provision as to ‘unemployables’ may also be noted.

Under Section 100 of the Act of 1911, if the repeated failure of any workman to obtain or retain employment appears to an Insurance Officer to be wholly or partly due to defects in skill or knowledge, the Insurance Officer may, if he thinks fit, for the purpose of testing the skill or know-

ledge of the workman, offer to arrange for the attendance of the workman at a suitable place for the purpose, and may pay out of the Unemployment Fund all or any of the expenses incidental to such attendance. If the workman fails or refuses either to avail himself of the offer, or to produce satisfactory evidence of his competence, or if, as a result of the test, the Insurance Officer considers that the skill or knowledge of the workman is defective, and that there is no reasonable prospect of such defects being remedied, such facts shall be taken into consideration in determining what is suitable employment for the workman. In other words, if a workman claims a higher status than his work justifies he can be offered a lower class of work as suitable work under the Act, and on refusal he exposes himself to disqualification for a period.

If in any case as a result of the test the Insurance Officer considers that the skill or knowledge of the workman is defective, but that there is a reasonable prospect of the defects being remedied by technical instruction, the Insurance Officer may, subject to any directions given by the Board of Trade, pay out of the Unemployment Fund all or any of the expenses incidental to the provision of the instruction, if he is of opinion that the charge on the Unemployment Fund in respect of the workman is likely to be decreased by the provision of the instruction.

It will be interesting to see to what extent these powers are utilised. So far, the writer has only come across one case where the difficulty of retaining work possibly indicated a special degree of incompetence such as is contemplated by this provision.

**Encouragement of Voluntary Insurance.**—Under Section 106 of the Act of 1911 and Section 14 of the Act of 1914 the Board of Trade may, with the consent of the Treasury, and on such conditions and either annually or at such other intervals as the Board may prescribe, repay out of moneys provided by Parliament (not the Unemployment Fund) to any Association of persons not trading for profit, the rules of which provide for payments to persons whilst unemployed, *whether workmen in an insured trade or not*, such part (in

no case exceeding one-sixth) as they think fit of the aggregate amount which the Association has expended on such payments during the preceding year or other prescribed period. Where the unemployment benefit exceeds 17s. a week the sums which might otherwise be repaid by the Board of Trade to the Association are to be subject to such reduction (if any) as the Board may think just.

In order that Associations of workmen in an insured trade should not get a double repayment in respect of the 7s. a week which is ultimately borne by the Unemployment Fund, Section 106 provided that the sum repaid to the Association in respect of an arrangement under Section 105 should be excluded, and this still holds good when the unemployment benefit is 13s. a week or over. Thus, if a Union of bricklayers paid its members 15s. a week unemployment pay, the Union could claim a repayment of 7s. from the Unemployment Fund, and of  $\frac{1}{3}$ th of 15s. less 7s., *i.e.* of 1s. 4d., out of the Parliamentary grant. It was thought, however, that this dealt somewhat hardly with rates of unemployment benefit between 9s. 4d. and 13s. Section 14 of the Act of 1914 now provides that where the Association is an Association with which the Board of Trade has made an arrangement under Section 105 of the Act of 1911, and the highest rate of weekly payment authorised by the rules of the Association to be made to its members, being workmen in an insured trade, is less than 13s., the whole amount of the sum repaid under that section shall not be excluded, but such part thereof only as bears the same proportion to the whole amount as such highest rate of weekly payment bears to 13s. Thus if the weekly benefit is 10s. 6d., the Association is entitled to 7s. repayment under Section 105 and  $\frac{1}{3}$  ( $10\frac{1}{2} - \frac{10\frac{1}{2} \times 7}{13}$ ) shillings under Section 106. Under the old rule the repayment under Section 106 would have been 7d., and under the new rule will be just over 9d.

*Note.*—A definition of 'trade dispute' will be found in the Addenda at the beginning of the book.

## CHAPTER XX

### TRADE UNIONS

**Definition.**—The term Trade Union is commonly associated with combinations of manual workers, but this is not accurate either from a legal or a social standpoint. The essential factors of Trade Unionism are to be found amongst workers of all kinds, professional, commercial, and manual. By the essential factors of Trade Unionism is meant the establishment of a standard payment, and standard conditions of work by agreement between the persons who have to do the work. Thus barristers will not accept a fee under a guinea, and in litigious matters will only receive instructions from a solicitor. Recently the world has seen the medical profession combining to obtain under the National Insurance Act both a standard payment and standard conditions of employment. For many years fire insurance companies have maintained a common organisation in their Tariff Committee for the purpose of obtaining standard premiums for all ordinary risks. The penalties for non-observance of the common rule vary widely. Wealth and social position make a vast difference in the practical steps used to make combination effective. We do not expect to find barristers 'picketing' an Assize Court against an intruder from another circuit, or a Union workman refusing to meet a non-Union workman at a dinner-party. But behind the various forms of penalties for non-observance of the common rule there stands in the case of practically all kinds of workers the same desire for mutual protection. It is true that there is a legal difference in the position of some of these classes of workers.

So long as the common rule is founded on nothing more substantial than *esprit de corps*, social etiquette, or a common professional understanding, there is nothing tangible for the law to lay hold of, and there is no 'combination' in any legal sense. As soon as there is a definite combination of persons based on an expressed agreement we pass into the sphere of law, and can define a Trade Union in legal phraseology. The present definition of a Trade Union is contained in the Trade Union Amendment Act, 1876, and runs as follows: "The term 'Trade Union' means any combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if the Principal Act (the Trade Union Act, 1871) had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade." The latter part of this definition will require detailed explanation; the earlier part tells us plainly that in law a combination of masters is just as much a Trade Union as a combination of men. But it is doubtful whether the layman ever thinks of an employer's Association as a Trade Union.

A discussion of the merits and demerits of Trade Unionism does not fall within the scope of this book, but an impartial summing up of its effects may be helpful. The following quotation is from the Final Report of the Royal Commission on Labour which was issued in May 1894: "Powerful Trade Unions on the one side and powerful Associations of employers on the other have been the means of bringing together in conference the representatives of both classes, enabling each to appreciate the position of the other, and to understand the conditions subject to which their joint undertaking must be conducted. The mutual education hence arising has been carried so far that, as we have seen, it has been found possible to devise articles of agreement regulating wages, which have been loyally and peacefully maintained for long periods. We see reason to believe that in this way the

course of events is tending towards a more settled and pacific period, in which in such industries there will be, if not a greater identification of interest, at least a clearer perception of the principles which must regulate the division of the proceeds of each industry, consistently with its permanence and prosperity, between those who supply labour and those who supply managing ability and capital." To some extent this expectation of industrial peace has gone the way of expectations of other forms of peace, but the passage quoted in substance remains true.

**'Restraint of Trade' and 'Conspiracy.'**—To understand legislation on Trade Unions and strikes<sup>1</sup> it is necessary to grasp the Common Law doctrines as to 'restraint of trade' and 'conspiracy.' We have already seen (at p. 13) that the legislation of 1825 allowed workmen to discuss wages and hours, but if they took any steps in combination to give effect to any agreement arrived at as a result of such discussion, then they had no statutory protection and were liable to any penalties imposed on them by the Common Law, and in addition were conceivably liable to be punished for two statutory offences, viz. molestation and obstruction. We must, therefore, consider somewhat closely what is involved in these Common Law doctrines of restraint of trade and conspiracy.

It has already been stated (p. 11) that in England a restraint of trade is regarded as against public policy and, therefore, illegal. The welfare of the community is supposed to be dependent on each individual being free to exercise his skill and strength in earning a livelihood in any lawful way. Thus suppose a wealthy man were to have as a hobby the promotion of handicraft as against machine labour, and in pursuance of his object he were to promise 1000 men working at machinery £5 apiece in return for their promises never to work at machines again. The promise on the part of the men would be invalid as in restraint of the future exercise of their skill. So an agreement between two or more men not to work for less than 6d. an hour would be an illegal agreement, and the law would not enforce it, because it

<sup>1</sup> A statutory definition of the terms 'strike' and 'lock-out' will be found at p. 333.



would restrain the men's freedom to sell their labour at any price they chose. As we have already seen (p. 44), there are certain exceptions to this rule, based on contracts of service in which the service has come to an end. There are also exceptions in favour of the purchaser of the goodwill of a business.

It does not seem to have occurred to the expounders of the Common Law that an agreement by workers not to sell their labour under a reasonable minimum might conceivably be an agreement promoting the public welfare. It would be interesting to test in the Law Courts whether an agreement to enforce a minimum wage could now be regarded apart from Trade Union legislation as against public policy, seeing that in certain trades a minimum wage has been established by a Statute based on the principle that very low wages are against the public welfare. But this discussion need not be pursued, as it is clear that the Common Law as hitherto expounded by the Courts holds that, in general, agreements in restraint of trade are unlawful, and that combinations of persons to carry out purposes which are in restraint of trade are *ipso facto* unlawful combinations. This makes intelligible the inclusion, in the legal definition of a Trade Union, of combinations "for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if the Trade Union Act, 1871, had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade."

The Common Law doctrine as to restraints on trade is intelligible, and its connexion with the school of economic thought associated with Adam Smith is obvious; when we pass to consider the Common Law doctrine of conspiracy we approach a subject much more subtle. Let us take an illustration. A can resolve not to sell his labour under 10½d. per hour, and this may be regarded as a virtuous action on his part as an assertion of individual liberty. B can make the same resolve. Both can separately act on their resolution. If, however, A and B agree together to act on the resolution they have arrived at, A has in a sense put a



restraint on B's liberty, and B has put a restraint on A's liberty, and in the view of the law their united action is an illegal conspiracy, for a restraint of trade is itself illegal. Now a person who takes part in an illegal conspiracy is subject to two consequences. He is guilty of a criminal act, for which he can be punished as a criminal. Further, if his illegality is directed against a particular master, who can show that he has thereby suffered damage, that master can maintain against the wrong-doer an action for damages, and can have the wrong-doer restrained by injunction from continuing his unlawful proceedings. We shall see that at first it was the criminal consequences which absorbed attention, and that for the time being the civil consequences were overlooked.

The example that has been given above is based on an agreement which on the face of it is in restraint of trade; but the law of conspiracy is not confined to questions of restraint of trade, but has a very vague and indefinite scope. In a careful and impartial text-book the legal position has been summed up in this sentence: "In respect of sedition, conspiracy, and libel . . . in truth there never had been any such laws beyond a sort of understanding that a judge and jury between them might punish, under one or other of those names, any conduct which they might consider injurious to the public interest." In the case of conspiracy, it is of course understood that the conduct has been agreed upon by two or more persons.

For a further discussion of the law of industrial conspiracy reference may be made to Chapter V. of Jevon's *The State in Relation to Labour*, from which the following sentence is taken: "Until quite recent years the Common Law gave power to the judges, or they at any rate assumed the power, to treat any combination of labourers aiming at the increase of wages as a conspiracy against the public weal, an attempt at public mischief, which could be punished as a misdemeanour by fine and imprisonment."

**Trade Union Act, 1871.**—The object of Trade Union legislation has been to reverse a series of decisions based on the Common Law.

It is not necessary for us to concern ourselves with anything before the Trade Union Act, 1871.

The second section of that Act takes away from membership of a Trade Union its former character of criminal conspiracy. "The purposes of any Trade Union shall not, by reason merely that they are in restraint of trade, be deemed to be unlawful, so as to render any member of such Trade Union liable to criminal prosecution for conspiracy or otherwise."

The third section enables Courts of Law to recognise the agreements with outsiders and the trusts to which a Trade Union may be a party. "The purposes of any Trade Union shall not, by reason merely that they are in restraint of trade, be unlawful so as to render void or voidable any agreement or trust."

Agreements between the members themselves, as distinguished from agreements made between the Trade Union and outsiders, are not enforceable by legal proceedings, and to carry out its purposes a Trade Union has to rely on the voluntary allegiance of its members. Three classes of these agreements are mentioned in the Act as being unenforceable at law, viz. :

(1) Any agreement between members of a Trade Union as such concerning the conditions on which any members for the time being of such Trade Union shall or shall not sell their goods, transact business, employ or be employed.

In other words, adherence to the terms of the 'collective bargain' is purely voluntary.

(2) Any agreement for the payment by any person of any subscription or penalty to a Trade Union.

In other words, the final remedy against a member in default is expulsion from the Union.

(3) Any agreement for the application of the funds of a Trade Union—

(a) To provide benefits to members, and

(b) To provide strike-pay, etc., to non-Unionists.

If a Union does not keep faith with its members it will naturally lose them, but it incurs no penalty which can be enforced in a Court of Law.

All this is very different to the relationship which exists between a company or a corporate body and its constituent members. In fact, no attempt was made to incorporate Trade Unions, and they are expressly forbidden to register themselves under the Friendly Societies Act, as such registration would make them corporate bodies. The Act, however, provides for the registration of Trade Unions, and imposes certain obligations and confers certain privileges on registered Trade Unions. Every registered Trade Union must have a registered office, and must make annual returns to the Registrar of Trade Unions. By registration it obtains the privilege of holding land, not exceeding one acre, and buildings for the purposes of the Union, and of vesting its property in trustees ; it can also recover in a Court of Law from its treasurer or other officers money or property of the Union when wrongly withheld.

**Amendment of the Criminal Law.**—Side by side with the Trade Union Act, 1871, a Criminal Law Amendment Act (an Act to amend the Criminal Law relating to violence, threats, and molestation) was passed dealing with offences arising out of strikes, but this Act gave little or no satisfaction to the workmen. Its effect was to make the trade object of the strike not illegal, but if the means employed to carry on the strike were calculated to coerce the employers, they were illegal means, and a combination to do a legal act by illegal means was a criminal conspiracy. It seemed to come to this that while a strike was lawful, practically anything done in pursuance of a strike was still criminal. In 1875 the workmen secured the passing of the Conspiracy and Protection of Property Act, 1875. The main enactment (Section 3) of this Act is that an agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be indictable as a conspiracy, if such act committed by one person would not be punishable as a crime. For example, the miners at X mine resolve to go on strike. If each miner gives the legal notice necessary to put an end to his contract of service, he is acting lawfully and is not committing a crime. The agreement of all the

miners to hand in their notices is therefore not a criminal conspiracy. If the miners leave work without handing in their notices, then each of them breaks his contract and exposes himself to a civil action for damages for breach of contract, but here again neither the individual miners, nor the miners acting in combination, have committed any crime. Accordingly the strikers, whether they have given notice or not, are not punishable for going on strike.

On the other hand, in the case of persons employed in the public supply of gas or water, or to whose charge is specially committed the care of human life or of valuable property, wilful and malicious breach of the contract of service is by Sections 4 and 5 made a punishable offence. The exact wording of these new provisions is as follows :

- (a) Where a person employed by a municipal authority or by any company or contractor upon whom is imposed by Act of Parliament the duty, or who have otherwise assumed the duty of supplying any city, borough, town, or place, or any part thereof, with gas or water, wilfully and maliciously breaks a contract of service with that authority or company or contractor, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to deprive the inhabitants of that city, borough, town, place, or part, wholly or to a great extent of their supply of gas or water ; or
- (b) Where any person wilfully and maliciously breaks a contract of service or hiring, knowing or having reasonable cause to believe that the probable consequences of his so doing, either alone or in combination with others, will be to endanger human life, or cause serious bodily injury, or to expose valuable property, whether real or personal, to destruction or serious injury,

he shall on conviction thereof by a Court of Summary Jurisdiction or on indictment as hereinafter mentioned, be liable either to pay a penalty not exceeding £20, or to be

imprisoned for a time not exceeding three months, with or without hard labour.

It should be noticed that in all these provisions, the question whether there is an offence or there is not an offence does not turn on there being two or more persons acting in combination. If an act is innocent if done by one person, it remains innocent if done by two or more persons in combination; if an act is punishable under the sections just quoted, it is just as punishable when done by one person as when done in combination with others. In other words, the element of 'conspiracy' is no longer material.

The question of molestation and obstruction in the course of a strike was dealt with by Section 7 as follows :

*Every person who, with a view to compel any other person to abstain from doing, or to do any act which such other person has a legal right to do or abstain from doing, wrongfully and without legal authority,*

- (1) Uses violence to or *intimidates* such other person or his wife or children, or injures his property; or
- (2) *Persistently follows* such other person about from place to place; or
- (3) *Hides any tools*, clothes, or other property owned or used by such person, or deprives him of or hinders him in the use thereof; or
- (4) *Watches or besets the house* or other place where such other person resides, or works, or carries on business, or happens to be, or the approach to such house or place; or
- (5) *Follows* such other person *with two or more other persons in a disorderly manner* in or through any street or road,

*becomes liable to the same penalties* as are set out above in the case of malicious breaches of contract, *but* it is expressly provided that *attending* at or near the house or place where a person resides, or works, or carries on business, or happens to be, or the approach to such house or place, *in order merely to obtain or communicate information, shall not be deemed a watching or besetting.*

This section has been set out verbatim as the exact

phraseology is of considerable importance, but the portions in italics contain a summary sufficient for most purposes.

**The Trade Disputes Act, 1906.**—For nearly twenty years Trade Unionists thought that these two Acts gave them all the protection that was necessary to make collective bargaining feasible, and to enable them to carry out a strike in a peaceable and law-abiding manner. After a time, however, the ingenuity of lawyers discovered an unsuspected incompleteness in these provisions.

In *Quinn v. Leatham* (1901, A.C. 495) the doctrine was propounded in the House of Lords that an action by two persons might be a civil wrong, when a similar action by one only would not be actionable. In other words, while Section 3 of the Conspiracy and Protection of Property Act, 1875, was sufficient to put an end to the criminal consequences of combined action, where individual action would be innocent, yet the section had no application to civil actions for damages brought by a person who had suffered loss from such combined action. On this principle, persons who promoted a strike could be made to pay damages for injuries sustained by the person or persons against whom the strike was directed. This doctrine was not necessary for the actual decision of *Quinn v. Leatham*, as there was in that case an infringement by Trade Union officials of a right of the plaintiff, which it seems would have been actionable even if there had been no combination, and the acts complained of had been done by one person only.

The whole object of a strike is to interfere with the master's business in the hope of getting better terms out of him. If the master could sue the Trade Union for the loss caused by the strike, then a strike was a blow which turned back on those who gave it.

In the case of *Temperton v. Russell* (1893, 1 Q.B. 715) the principle had been laid down that it was actionable, not merely maliciously to procure a breach of contract—that had for long been recognised as a principle quite independently of Trade Union action—but also to procure that persons should not enter into contracts. In other words, it would be actionable not merely to persuade men to throw up their work

without notice, but also to persuade men from going into the master's employment.

In the case of *Lyons v. Wilkins* (1896, 1 Ch. 84) an aggrieved employer invoked the aid of the Chancery side of the High Court of Justice. Chancery remedies have always been in request in order to prevent the repetition of injurious actions, but it was a daring innovation when an injunction was issued to restrain picketing which was so carried on as to amount in the eyes of the Judges who granted the injunction to the offence of "watching or besetting," and when this injunction was granted not at the trial of an action but at a separate preliminary proceeding. By this procedure the Trade Union officials were tried without a jury on a matter of fact, and were thus deprived of a recognised safeguard.

The culminating point was reached in the *Taff Vale Case* (1901, A.C. 426), when it was held that a Trade Union could be sued in its registered name, although the Legislature, as has already been said, had expressly refrained from incorporating it, and it was a body with a fluctuating membership. It follows that the funds held by trustees on behalf of this fluctuating body of men could be made to answer for the wrongful acts of its agents and officers. This was in effect to give a Trade Union the liability of a corporate body without its privileges. The practical importance of this decision can hardly be exaggerated, for damages given against more or less impecunious officials of a Trade Union were of little pecuniary value, while damages given against the accumulated funds of a Union were recoverable except in the event of the entire depletion of its funds, when the Union itself would be no longer a fighting force.

These somewhat surprising decisions and dicta crippled almost entirely the collective action of Trade Unions, and led to an agitation by the Trade Unions for a restoration to the legal position which they had formerly been supposed to occupy. This agitation led to the passing of the Trade Disputes Act, 1906.

Section 1 of that Act enacts that "an act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade



dispute, not be actionable unless the act, if done without any such agreement or combination, would be actionable."

This clearly overrules the dictum in *Quinn v. Leatham*, and releases Trade Unionists from the last trammels of the doctrine of conspiracy.

Section 3 of the Act enacts that "an act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment, or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or labour as he wills."

For example, A and B, Trade Unionists, in a dispute with their master hand in their notices, but C, a non-Unionist, does not do so. When A and B leave work at the expiration of their notices they persuade C to come out with them. C is personally liable for his breach of contract, but A and B are not liable for C's act, and under the next section, if A and B are acting as agents for their Union, the Union is not liable. In the same way, if A and B persuade D, who is about to act as a blackleg, not to take C's place, A and B are not liable for so doing.

It should be noticed that the operation of these sections is limited to acts done in contemplation and furtherance of a trade dispute.

Section 4 repeals the decision in the *Taff Vale Case*. It is as follows: "An action against a Trade Union, whether of workmen or masters, or against any member or officials thereof on behalf of themselves and all other members of the Trade Union in respect of any tortious act alleged to have been committed by or on behalf of the Trade Union, shall not be entertained by any Court." The phrase 'tortious act' is the legal equivalent of what has been called in this chapter 'a civil wrong.'

Under these sections it is now possible for a strike to be carried on (a) without exposing the Union itself to any liability for wrongful acts; (b) without exposing the strikers to any liability by way of damages for conspiracy when the conspiracy consists in their doing together things which,



done by each member alone, would be innocent ; (c) without exposing the strikers to any liability by way of damages, if in the course of the dispute they induce persons to break contracts of employment (but without prejudice to any remedy against such persons themselves arising out of their breaches of contract), or interfere with the trade, business, or employment of other persons or with their general rights to dispose of their capital or labour as they please.

This Act does not alter the criminal liability of strikers under the Act of 1875 except in one respect. Section 2 of the Act of 1906 extends the definition of legal 'watching and besetting,' or, as it is generally called, of 'peaceful picketing.' It runs as follows : " It shall be lawful for one or more persons, acting on their own behalf, or on behalf of a Trade Union or of an individual employer or firm in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works or carries on business or happens to be, if they so attend merely for the purpose of peacefully obtaining or communicating information *or of peacefully persuading any person to work or abstain from working.*" The words in italics constitute the addition to the provision already contained in the Act of 1875.

**Trade Unions and Political Objects.**—The most recent legislation on Trade Unions, the Trade Union Act, 1913, was passed under the following circumstances. Trade Unions of workers discovered that intervention in politics and elections was sometimes a means of improving the position of labour without resorting to strikes. It is not necessary to discuss here the relative merits of political action and strikes, it is sufficient for the present purpose that as a matter of fact English Trade Unions adopted both. Finally it became usual for a Trade Union to make a compulsory levy on its members for the purpose of procuring the election and securing the maintenance of members of Parliament to support the interests of the Union in Parliament. These members formed a Labour Party in the House of Commons. A member of the Amalgamated Society of Railway Servants, who felt that the Labour Party did not represent his political

views, resolved to test the legality of the compulsory levy made by his Society upon him. He brought an action against the Society, and in the final hearing before the House of Lords (*Amalgamated Society of Railway Servants v. Osborne*, 1910, A.C. 87) it was decided that it was not within the powers of a Trade Union registered under the Trade Union Acts, 1871 and 1876, to maintain out of its funds members of Parliament for the support of the interests of the Union. By implication the decision also affected the rights of a Trade Union to promote the election of friendly persons to local governing bodies. This decision caused a good deal of feeling amongst Trade Unionists, who felt that while a compulsory levy might be unfair to a dissentient minority, yet the absence of any power for even the majority to take collective action for parliamentary and other similar purposes was an unnecessary and harmful limitation of Trade Union activity.

By the 1st Section of the Trade Union Act, 1913, the objects mentioned in the Act of 1876, namely, the regulation of the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or the imposing of restrictive conditions on the conduct of any trade or business, and also the provision of benefits to members, are put in a class by themselves and called 'statutory objects.'

The objects or powers of a Trade Union are then put on a wider basis by enacting that the fact that a combination has under its constitution objects or powers other than statutory objects is not to prevent the combination being a Trade Union under the Acts of 1871 and 1876, so long as the combination is a Trade Union as defined by the Act of 1913, and subject to the provisions of the Act of 1913 as to the furtherance of political objects; any such Trade Union shall have power to apply the funds of the Union for any lawful objects or purposes for the time being authorised under its constitution.

By Section 2, a combination is a Trade Union for the purposes of the Acts of 1871, 1876, and 1913, if it is a combination, whether temporary or permanent, the principal objects of

which are under its constitution statutory objects. Thereupon follows various provisions as to the registration by the Registrar of Friendly Societies of such combinations only as have, in the Registrar's opinion, statutory objects for their principal objects, and for the granting by the Registrar to unregistered Trade Unions of certificates that they are Unions within the meaning of the Act of 1913, if they comply with a similar condition.

Section 3 is a very long section, containing the provisions restricting the application of Trade Union funds for political purposes.

Before the funds of a Trade Union can be applied either directly or in conjunction with any other Trade Union, Association, or body, or otherwise indirectly, in the furtherance of certain enumerated political objects, the following conditions must have been complied with.

First, the furtherance of these objects must have been approved as an object of the Union by a resolution for the time being in force passed by a majority of the members voting on a ballot of the members of the Union taken in the prescribed manner.

Secondly, where such a resolution is in force there must also be in force rules, to be approved, whether the Union is registered or not, by the Registrar of Friendly Societies, providing—

(a) That any payments in the furtherance of those objects are to be made out of a separate fund ('the political fund'), and for the exemption of any member of the Union from any obligation to contribute to such a fund if he gives the prescribed notice that he objects to contribute.

(b) That a member who is exempt from the obligation to contribute to the political fund shall not be excluded from any benefits of the Union, or placed in any respect either directly or indirectly under any disability or at any disadvantage as compared with other members of the Union (except in relation to the control or management of the political fund) by reason of his being so exempt, and that contribution to the political fund of the Union shall not be made a condition for admission to the Union.

The political objects to which these enactments apply are the expenditure of money,

(1) In the payment of any expenses, either directly or indirectly, by a candidate or prospective candidate for election to Parliament or to any public office, before, during, or after the election in connexion with his candidature or election. Public office means the office of any county, county borough, district, or Parish Council, or Board of Guardians, or of any public body who have power to raise money, either directly or indirectly, by means of a rate ; or

(2) On the holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate ; or

(3) On the maintenance of any person who is a member of Parliament or who holds a public office ; or

(4) In connexion with the registration of electors or the selection of a candidate for Parliament or any public office ; or

(5) On the holding of political meetings of any kind or on the distribution of political literature or political documents of any kind, unless the main purpose of the meetings or of the distribution of the literature or documents is the furtherance of statutory objects.

The administrative provisions for seeing that the Act is fairly complied with are as follows :

(i.) By Section 4 the ballot is to be taken in accordance with Rules to be approved by the Registrar of Friendly Societies, but he is not to approve any such Rules unless he is satisfied that every member has an equal right, and, if reasonably possible, a fair opportunity of voting, and that the secrecy of the ballot is properly secured.

(ii.) Under Section 5 a member of the Union may at any time give formal notice that he objects to contribute to the political fund, and a member is entitled, on the adoption of a resolution approving the furtherance of political objects to a notice acquainting him that he has a right to be exempt from contributing to the political fund, and that a form of exemption notice can be obtained from an office of the Union or the office of the Registrar of Friendly Societies. An exemption notice, so long as it is not withdrawn, gives

exemption from contributions to the political fund, either (a) from its date, if given within one month after the notice given to members or the adoption of a resolution approving the furtherance of political objects; or, (b) in other cases, from the first day of January next after the notice is given. Exemption is given effect to (Section 6) either by a separate levy of contributions to the political fund from the members of the Union who are not exempt, or by exemption from some periodical contribution towards expenses in as uniform a manner as possible.

(iii.) Under Section 3, if a member exempt from contributions to the political fund alleges that he is aggrieved by a breach of the Rules enacted by that section for his protection, he may complain to the Registrar of Friendly Societies, who, after giving the complainant and any representative of the Union an opportunity of being heard, may, if he considers that such a breach has been committed, make such Order for remedying the breach as he thinks just under the circumstances. There is to be no appeal from this Order, and on its being recorded in the County Court, it may be as enforced as if it had been an Order of the County Court.

*Note.*—A definition of 'trade dispute' will be found in the Addenda at the beginning of the book.

## CHAPTER XXI

### THE SETTLEMENT OF DISPUTES

DISPUTES fall into two classes, first, those which arise from the relationship of a master to his servants individually and have no wider bearing, and secondly, what are known as trade disputes ; the latter, though they may arise from the grievances of but one man, yet raise some general principle which is applicable to a trade or a section of a trade.

If a workman thinks he has bargained for 38s. a week, and his master thinks he has bargained to pay 36s., then the dispute concerns them and them only. If, on the other hand, there is a district rate of 38s. a week, and the workman is withdrawn by his Union because the master will not pay him, or any other workman in his place, more than 36s. a week, then there is a trade dispute.

**Breaches of Contract, etc.**—Disputes arising from the relationship of a master to his servants individually are civil disputes, and either party can have recourse to a Civil Court of Law to obtain damages for breach of contract, or any other civil remedy that may be appropriate. If the damages claimed are not more than £100 the dispute is within the jurisdiction of the County Courts ; otherwise the action must be commenced in the High Court of Justice. Except for the Statute, which will be immediately explained, proceedings on contracts of service do not differ from proceedings on other contracts, and as this is not a general text-book of law, it will not be necessary to add anything more in detail on this point.

**Employers and Workmen Act, 1875.**—The Employers

and Workmen Act, 1875, is an Act passed "to enlarge the powers of County Courts in respect of disputes between employers and workmen, and to give other Courts a limited civil jurisdiction in respect of such disputes." For the purposes of the Act the expression workman does not include a domestic or menial servant, but, save as aforesaid, means any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of 21 years or above that age, has entered into or works under a contract with an employer, whether the contract be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour. For a detailed consideration of this definition, reference may be made to Chapter I.

**Enlargement of the Powers of a County Court.**—(1) In any dispute under the Act the Court may set off cross claims between the parties. The workman may be claiming wages, and the master may admit this claim, but may raise a counter claim for negligent damage done by the workman to the master's materials or other property, or in other ways there may be cross demands. The Court may set off the one against the other all such claims on the part either of the employer or the workman arising out of or incidental to the relation between them as the Court may find to be subsisting, whether such claims are for wages, damages, or otherwise.

(2) The Court may, in suitable circumstances, rescind or put an end to the contract on equitable terms.

(3) The Court, instead of awarding damages, may, with the consent of the plaintiff, take security from the defendant for the performance by him of so much of his contract as remains unperformed. The security is to be an undertaking by one or more sureties that the defendant will perform his contract, subject on non-performance to the payment of a sum to be specified in the undertaking. This is of course an attempt to secure the specific performance of a contract of service by the introduction of sureties on the lines which are very usual in apprenticeship deeds.

These provisions are practically a dead letter. This

seems to be due to two causes. First, the much greater popularity of the alternative procedure before magistrates which the Act offers. This procedure is far speedier, and is never much dearer and generally much cheaper than procedure in the County Court.<sup>1</sup> The second cause is that contracts of service are determinable more and more by very short notice, so that powers to rescind and powers to enforce performance for unexpired periods of service are in practice rarely if ever wanted.

**Jurisdiction given to Magistrates.**—As an alternative to proceedings in the County Court, disputes may be heard and determined by a Court of Summary Jurisdiction, made up of a stipendiary magistrate or two or more Justices of the Peace, which for this purpose is to be deemed a Court of Civil Jurisdiction. The Court may order payment of any sum which it may find to be due as wages or damages or otherwise, and may exercise all or any of the special powers conferred by the Act on County Courts, but with this limitation that the amount claimed must not exceed £10, and that no security can be taken from a surety for an amount exceeding £10.

As has already been stated in Chapter IV., the magistrates are also given jurisdiction in disputes between masters and apprentices.

**Special Protection of Factory Workers.**—In the case of a claim by a child, young person, or woman (who is subject to the provisions of the Factory Acts) for wages or other sum due for work done, where the employers claim to set off a forfeiture on the ground of absence from work or leaving work, no deduction from the amount awarded shall be made on account of such forfeiture except to the amount of the damage (if any) which the employer may have sustained by reason of such absence or leaving work.

**Claims for Compensation for Accidents.**—If the claim arises at Common Law, it does not differ from any other

<sup>1</sup> In a Court of Summary Jurisdiction a fixed fee is charged for a summons, which can generally be heard about five days after its issue. In the County Courts an *ad valorem* fee on the amount of the claim must be paid, and there is usually an interval of five or six weeks before an action is actually heard.



claim based on negligence. If the amount claimed does not exceed £100 the County Court has jurisdiction; otherwise the action must be commenced in the High Court of Justice. If the claim arises under the Employers' Liability Act the County Court is expressly given jurisdiction irrespective of the amount claimed. If the claim arises under the Workmen's Compensation Act, 1906, it is automatically referred to arbitration, with the County Court judge as arbitrator if there is no Arbitration Committee or special arbitrator (see Chapter VIII.).

**Disputes under Part I. of the National Insurance Act, 1911.**—Section 66 of the Act provides for the determination of certain 'questions' by the Insurance Commissioners with certain rights of appeal to the County Court or the High Court, but these 'questions' are not disputes in the ordinary sense of that term. Section 67 deals with disputes, and enacts that subject to the provisions of Section 66 every dispute between—

- (a) An Approved Society or a branch thereof and an insured person who is a member of such Society or branch or any other person claiming through him ;
- (b) An Approved Society or branch thereof, and any person who has ceased to be a member for the purposes of this part of the Act of such Society or branch, or any person claiming through him ;

relating to anything done or omitted by such person, society, or branch, as the case may be, under this part of the Act or any Regulation made thereunder shall be decided in accordance with the Rules of the Society, but any party to such dispute may in such cases and in such manner as may be prescribed appeal from such decision to the Insurance Commissioners.

Every dispute between an insured person and the Insurance Committee relating to anything done or omitted by such person or the Insurance Committee under this part of the Act, or any Regulation hereunder, shall be decided in the prescribed manner by the Insurance Commissioners.

**Claims under Part II. of the National Insurance Act, 1911.**—Under Section 88 of the Act of 1911 and Section 2,

Subsection (4), of the Amending Act of 1914, the following are the provisions as to the determination of claims :

(1) All claims for unemployment benefit and all questions whether the statutory conditions are fulfilled in the case of any workman claiming such benefit, or whether those conditions continue to be fulfilled in the case of a workman in receipt of such benefit, or whether a workman is disqualified for receiving or continuing to receive such benefit, or otherwise arising in connexion with such claims, shall be determined by one of the officers appointed under this part of the Act for determining such claims for benefit (referred to as " insurance officers "), provided that—

(a) In any case where unemployment benefit is refused or is stopped, or where the amount of the benefit allowed is not in accordance with the claim, the workman may require the Insurance Officer to report the matter to a Court of Referees constituted in accordance with this part of the Act, and the Court of Referees, after considering the circumstances, may make to the Insurance Officer such recommendations on the case as they may think proper, and the Insurance Officer shall, unless he disagrees, give effect to those recommendations. If the Insurance Officer disagrees with any such recommendation, he shall, if so requested by the Court of Referees, refer the recommendation, with his reasons for disagreement to the Umpire appointed under this part of the Act, whose decision shall be final and conclusive ;

(b) The Insurance Officer in any case in which he considers it expedient to do so may, instead of himself determining the claim or question, refer it to a Court of Referees, and thereupon the provisions of the last foregoing proviso shall apply as if he had reported the matter to the Court.

Under Section 90, a Court of Referees is to consist of one or more members chosen to represent employers, with an equal number of members chosen to represent workmen, and a Chairman appointed by the Board of Trade.

Under Section 2, Subsection (1), of the Amending Act of 1914, provision may be made by Regulations (and has been made) for allowing any claim or question which is reported

or referred to a Court of Referees to be proceeded with in the absence of any member or members of that Court other than the Chairman, but only if the claimant or the person or Association in whose case the question arises consents, and in such case the Court shall, notwithstanding anything in the Act of 1911, be deemed to be properly constituted, and the Chairman shall, if the number of members of the Court is an even number, have a second or casting vote.

Where unemployment pay is provided by an Association of workmen under an arrangement whereby there is repaid periodically to the Association out of the Unemployment Fund such sum as appears to be equivalent to the aggregate amount which such workmen would have received during that period by way of unemployment benefit if no such arrangement had been made, questions as to unemployment pay take the form of disputes between the Association and the Board of Trade. Under Section 105 (4) of the Act of 1911 the Board of Trade has power to make Regulations for referring to the Umpire any such question. Under Section 13 (3) of the Amending Act of 1914 the Board of Trade may make (and has made) Regulations referring such questions to Insurance Officers and Courts of Referees as well as to the Umpire.

The Regulations now in force on these various points are paragraphs 19-21 of the Unemployment Insurance Regulations, which are set out in Appendix XIII. (b).

**Disputes between Inspectors and Employers.**—Under the Factory Act and the Mines Acts inspectors are given power in cases of danger to take proceedings to stop the danger. Under Sections 17 and 18 of the Factory and Workshop Act, 1901, an inspector may make a complaint as to a dangerous machine or an unhealthy or dangerous factory or workshop to a Court of Summary Jurisdiction, and the Court then decides on prohibition of user, repairs, or alterations as the case may require.

The modern tendency, however, is to refer questions of industry to a special Tribunal (see the paragraph on Courts of Referees under Part II. of the Insurance Act). Thus,

under Section 99 of the Coal Mines Act, 1911, if an inspector finds any mine, or any part thereof, or any matter, thing, or practice in or connected with any mine or with the control, management, or direction thereof by the owner, agent, or manager to be dangerous or defective, he may require the same to be remedied. If the owner, agent, or manager objects to remedy the matter complained of, the matter is to be determined under Section 116 by a referee chosen from a panel of referees, whose decision is to be final. In the case of metalliferous mines a dispute under Section 18 of the Metalliferous Mines Regulation Act, 1872, between an inspector and an owner or agent has to be decided by arbitration under Section 21 of the same Act.

**Trade Disputes and the Conciliation Act, 1896.**—Trade disputes can be carried to the arbitrament of a lock-out or a strike, and, except for the provisions of Part I. of the Munitions of War Act, 1915, which is not a permanent Act, there is no legal machinery for the compulsory settlement of trade disputes. The full title of the Conciliation Act, 1896, is “an Act to make better provision for the prevention and settlement of trade disputes,” but, as will be seen, this Act limits itself to the provision of means of conciliation, and to impartial inquiries and reports on the causes and circumstances of the dispute.

Its main enactments are as follows :

(1) Any Board established either before or after the passing of the Act which is constituted for the purpose of settling disputes between employers and workmen by conciliation or arbitration, or any Association or body authorised by an agreement in writing made between employers and workmen to deal with such disputes (referred to as a Conciliation Board), may apply to the Board of Trade for registration. The Board of Trade is to keep a register of Conciliation Boards, which are to furnish such returns, reports of their proceedings, and other documents as the Board of Trade may reasonably require.

(2) Where a difference exists or is apprehended between an employer or any class of employers and workmen, or between different classes of workmen, the Board of Trade

may, if they think fit, exercise all or any of the following powers, viz. :

(a) Inquire into the causes and circumstances of the difference ;

(b) Take such steps as to the Board may seem expedient for the purpose of enabling the parties to the difference to meet together by themselves or their representatives under the presidency of a Chairman mutually agreed upon or nominated by the Board of Trade or by some other person or body, with a view to the amicable settlement of the difference ;

(c) On the application of employers or workmen interested, and after taking into consideration the existence and adequacy of means available for conciliation in the district or trade and the circumstances of the case, appoint a person or persons to act as conciliator or as a Board of Conciliation ;

(d) On the application of both parties to the difference, appoint an arbitrator.

If any person is appointed to act as conciliator he is to inquire into the causes and circumstances of the difference by communication with the parties, and otherwise shall endeavour to bring about a settlement of the difference, and is to report his proceedings to the Board of Trade. If a settlement of the difference is effected either by conciliation or by arbitration, a memorandum of the terms thereof is to be drawn up and signed by the parties or their representatives, and a copy thereof is to be delivered to and kept by the Board of Trade.

(3) If it appears to the Board of Trade that in any district or trade adequate means do not exist for having disputes submitted to a Conciliation Board for the district or trade, they may appoint any person or persons to inquire into the conditions of the district or trade, and to confer with employers and employed, and if the Board of Trade think fit, with any local authority or body, as to the expediency of establishing a Conciliation Board for the district or trade.

Monthly reports of conciliation and arbitration cases under this Act will be found in the *Labour Gazette*.

An Annual Report is also presented to Parliament. From the Report for 1913 it appears that the Act was not used to any great extent between 1896 and 1907, the highest number of disputes in which action was taken under the Act in any year of that period being 39 and the lowest 11. For the period 1908-13 the corresponding numbers are 99 and 57.

The administrative side of the Act has been changed from time to time ; thus in 1908 Courts of Arbitration were established, each Court consisting of a Chairman and two Arbitrators. Recently a Chief Industrial Commissioner has been appointed.

**Compulsory Arbitration.**—Part I. of the Munitions of War Act, 1915, so far as it relates to the compulsory settlement of labour differences, only has effect so long as the office of Minister of Munitions and the Ministry of Munitions exist, but as the first application in Great Britain of a new principle which has been adopted elsewhere, it may be of interest to students and others.

The material part of the Act is as follows :

**Settlement of Labour Differences.**—(1) If any difference exists or is apprehended between any employer and persons employed, or between any two or more classes of persons employed, and the difference is one to which this part of this Act applies, that difference, if not determined by the parties directly concerned or their representatives or under existing agreements, may be reported to the Board of Trade, by or on behalf of either party to the difference, and the decision of the Board of Trade as to whether a difference has been so reported to them or not, and as to the time at which a difference has been so reported shall be conclusive for all purposes.

(2) The Board of Trade shall consider any difference so reported and take any steps which seem to them expedient to promote a settlement of the difference, and, in any case in which they think fit, may refer the matter for settlement either in accordance with the provisions of the 1st Schedule to the Act, or, if in their opinion suitable means for settlement already exist in pursuance of any agreement between employers and persons employed, for settlement in accordance with those means.

(3) Where a matter is referred under the last foregoing subsection for settlement otherwise than in accordance with the provisions of the 1st Schedule to this Act, and the settlement is in the opinion of the Board of Trade unduly delayed, the Board may annul the reference and substitute therefor a reference in accordance with the provisions of the said Schedule.

(4) The award on any such settlement shall be binding both on employers and employed, and may be retrospective; and if any employer, or person employed thereafter, acts in contravention of, or fails to comply with, the award, he shall be guilty of an offence under the Act (Section 1).

**Prohibition of Lock-outs and Strikes.**—(1) An employer shall not declare, cause, or take part in a lock-out, and a person employed shall not take part in a strike, in connexion with any difference to which this part of the Act applies, unless the difference has been reported to the Board of Trade, and twenty-one days have elapsed since the date of the report, and the difference has not during that time been referred by the Board of Trade for settlement in accordance with this Act.

(2) If any person acts in contravention of this section he shall be guilty of an offence under the Act (Section 2).

**Differences to which Part I. applies.**—The differences to which this Part of the Act applies are differences as to rates of wages, hours of work, or otherwise as to terms or conditions of or affecting employment on the manufacture or repair of arms, ammunition, ships, vehicles, air-craft, or any other articles required for use in war, or of the metals, machines, or tools required for that manufacture or repair (in this Act referred to as munitions work); and also any differences as to rates of wages, hours of work, or otherwise as to terms or conditions of or affecting employment on any other work of any description if this part of this Act is applied to such a difference by His Majesty by Proclamation on the ground that in the opinion of His Majesty the existence or continuance of the difference is directly or indirectly prejudicial to the manufacture, transport, or supply of Munitions of War.



This part of the Act may be so applied to such a difference at any time, whether a lock-out or strike is in existence in connexion with the difference to which it is applied or not. Provided that if in the case of any industry the Minister of Munitions is satisfied that effective means exist to secure the settlement, without stoppage, of any difference arising on work other than on munitions work, no proclamation shall be made under this section with respect to any such difference. When this part of the Act is applied to any difference concerning work other than munitions work the conditions of labour and the remuneration thereof prevailing before the difference arose shall be continued until the said difference is settled in accordance with the provisions of this part of the Act (Section 3).

**Interpretation.**—Unless the context otherwise requires,—

(a) The expression “lock-out” means the closing of a place of employment, or the suspension of work, or the refusal by an employer to continue to employ any number of persons employed by him in consequence of a dispute, done with a view to compelling those persons, or to aid another employer in compelling persons employed by him, to accept terms or conditions of or affecting employment :

(b) The expression “strike” means the cessation of work by a body of persons employed acting in combination, or a concerted refusal or a refusal under a common understanding of any number of persons employed to continue to work for an employer in consequence of a dispute, done as a means of compelling their employer or any person or body of persons employed, or to aid other workmen in compelling their employer or any person or body of persons employed, to accept or not to accept terms or conditions of or affecting employment (Section 19).

**Arbitrations.**—Under the 1st Schedule to the Act (1) any difference, matter, or question to be referred for settlement in accordance with the provisions of the Schedule shall be referred to one of the three following arbitration tribunals :

(a) The Committee appointed by the First Lord of the Treasury, known as the Committee on Production ; or



(b) A single arbitrator to be agreed upon by the parties or in default of agreement appointed by the Board of Trade ; or

(c) A court of arbitration consisting of an equal number of persons representing employers and persons representing workmen with a Chairman appointed by the Board of Trade.

(2) The tribunal to which the reference is made shall be determined by agreement between the parties to the difference or in default of such agreement by the Board of Trade.

(3) The Arbitration Act, 1889, shall not apply to any reference under the provisions of this Schedule.

# APPENDICES



# APPENDIX I

## (CHAPTER IV.)

### THE NORMAL WEEK

#### MEMORANDUM ON ACTUAL HOURS OF WORK IN VARIOUS TRADES.

In 1906 the Board of Trade issued a Report on Earnings and Hours of Labour in (I.) Textile Trades [Cd. 4545] and (II.) Clothing Trades [Cd. 4844]. In Textile trades the legal hours for women and young persons are 55 hours per week. In Clothing trades the corresponding legal hours are 60 hours per week. The following figures are taken from the Clothing Trade Group, and they show the remarkable progress which has been made towards a reasonable working day apart from legislation. They also show the superiority of factory conditions over workshop conditions except in laundries. The Laundry returns alone show any close approximation to the legal maximum.

Trade.	Factory or Workshop.	Males or Females.	Days Holiday in Year.	Per cent working over 54 Hours.	Per cent working over 56 Hours.	Per cent 60 Hours.	Per cent over 60 Hours.	Average Hours for full Week.
Dress-making . . .	W.	F.	19.8	47.3	25.5	1.5		53.4
" . . .	F.	M. & F.	10.5	22.8	3.6			50.8
Shirts, blouses, etc. .	W. & F.	M. & F.	10.4	22.5	4.2	0.5		50.2
Bespoke Tailoring—								
Cutters . . .	W.	M.	8	33.8	17.0	3.2	1.3	51.2
Tailors . . .	W.	M.		53.3	14.9	6.5	2.9	55.2
Tailoresses . . .		F.		42.8	26.4	6.0		52.4
Tailoring (ready-made).	W. & F.	M. & F.	10.9	16.6	10.9	1.3		51.2
Bespoke boots and shoes	W.	M.	8.6	66.8	27.6	5.4	1.3	54.0
Boots and shoes (ready-made)	W. & F.	M. & F.	17.1	11.1	6.2	0.1		53.5
Laundries . . .	W.	M.	6.7	90.1	81.2	50.4	24.9	59.4
" . . .	W.	F.		40.6	25.4	14.3		52.1
" . . .	F.	M.	7.2	84.4	74.5	40.7	7.9	57.5
" . . .	F.	F.		62.0	47.0	23.5		54.3

In the Annual Report of the Chief Inspector of Factories for the year 1913 [Cd. 7491], pp. 59-62 and 92-9 are devoted to the subject of hours of employment. The following are extracts from p. 60 : " In the reports this year frequent mention is made of the fact that the actual hours of work are in different trades considerably below those permitted by the Acts. Mr. Rogers (S.W. Division) says : ' The hours of work in most trades are much below the maximum allowed . . . the average weekly total appears to be between 52 and 56 hours, and in the great majority of factories and workshops the hours on Saturday do not exceed 5 or 6. . . . ' Mr. Verney (N.W. London) : ' In many industries, *e.g.* printing and bookbinding, the hours of work are ordinarily from 8 A.M. to 6 P.M., and occasional extensions to the full legal period are regarded by the workpeople as overtime. In these industries work on Saturday is seldom continued after 1 P.M., even though it commences no earlier than 8 o'clock in the morning.' Mr. Wilson (Glasgow) : ' Many textile factories now start at 8 o'clock, and manufacturers inform me that better time is kept, and that there is less wastage and better work with the shorter hours, while the decrease in output is fractional only, and in certain cases there is no reduction whatever. Occupiers in industries employing a preponderance of women are moving gradually towards a later start in the morning . . . there appears also to be a movement among laundry occupiers towards shorter hours.'

" But the most remarkable instance of a reduction of hours comes from Dunfermline, where an 8½ hours day has been established in all the linen-weaving sheds (employing between 4000 and 5000 workers, chiefly women)."

The lady inspectors' reports are on the same lines. At p. 93 Miss Squire reports : " In 1913 a desire to reduce the normal working hours has been manifested by the employers and managers, who having themselves noted the effect of the strain upon the workers, condemn from a business as well as a humane standpoint employment to the full legal limit. . . . One of the laundry trade journals has given prominence to the subject of ' Fatigue and Efficiency,' and the statement ' that the hours worked in the laundry industry are far too long ' which appeared in one issue has been followed by comments and suggestions which show how great an advance has been made in the trade since 1895, when the first tentative limitation of hours by law in the laundries was condemned as sounding the doom of the industry. The same tendency has been shown in the last twelve months in several other trades which have hitherto availed themselves of the full limit allowed by law, including a most interesting effort at combined action in this direction in the biscuit trade."

## APPENDIX II

### (CHAPTER VII.)

#### THE TRADE BOARDS ACT

(a) EXTRACT FROM A DETERMINATION FIXING MINIMUM RATES OF WAGES FOR CERTAIN BRANCHES OF THE RETAIL BESPOKE TAILORING TRADE IN GREAT BRITAIN WHICH ARE ENGAGED IN MAKING GARMENTS TO BE WORN BY MALE PERSONS

#### LEARNERS

(2) (a) In lieu of the above rates female "learners" (as hereinafter defined) shall, subject to the provisions of this Section, receive the following minimum or lowest time-rates clear of all deductions, that is to say :

	Learners commencing at			
	14 and under 15 Years of Age.	15 and under 16 Years of Age.	16 and under 21 Years of Age.	21 years of age and over,
	Column I.	Column II.	Column III.	Column IV.
	Per week. s. d.	Per week. s. d.	Per week. s. d.	Per week. s. d.
First six months	3 0	3 8	5 2	1st three months 6 9 2nd three months 8 4 3rd three months 10 11 4th three months 12 6
Second "	4 6	5 2	6 9	..
Third "	6 0	7 3	9 5	..
Fourth "	7 3	8 10	12 6	..
Fifth "	8 4	10 11	..	..
Sixth "	9 5	12 6	..	..
Seventh "	11 5	..	..	..
Eighth "	12 6	..	..	..

(b) The minimum or lowest time-rate for learners under 14 years of age shall be 3s. a week. Such learners shall afterwards be entitled to the amounts shown above, all employment prior to the age of 14 being disregarded.

- (c) The learners' rates are weekly rates based on a week of 50 hours, but they shall be subject to a proportionate deduction or increase according as the number of hours actually spent by the learner in the factory or workshop in any week is less or more than 50.
- (d) The advances to be given to learners shall be paid on the first pay-days in January and July, the learner being entitled to her first advance on the first of such pay-days following her entry into the trade provided that she has been in the trade at least three months.
- (e) A learner shall cease to be a learner and be entitled to the full minimum time-rate for a worker, applicable to her under Section (1) upon the fulfilment of the following conditions :—

Age of entering upon Employment.	Conditions.
Under 15 years of age.	The completion of not less than 3 years' employment <i>and</i> the attainment of the age of 18 years.
15 and under 16 years of age.	The completion of not less than 2 years' employment <i>and</i> the attainment of the age of 18 years.
16 and under 21 years of age.	The completion of 2 years' employment.
21 years of age and over.	The completion of one year's employment.

- (f) No female learner shall be held to be entitled to the full minimum rate under Section (1) until she has attained the age of 18 years notwithstanding any employment she may have had. Provided that in determining the age of entry and the length of employment, all service prior to the age of 14 shall be disregarded.
- (g) Any female who has been previously employed in any branch of the tailoring trade and has not been registered nor held a certificate and is subsequently taken on as a learner shall count the whole period of such previous employment for the purpose of claiming the time-rate at which she is to be paid.

A female learner is a worker who—

- (3) (a) Is employed during the whole or a substantial part of her time in learning any branch or process of the trade by an employer who provides the learner with reasonable facilities for such learning, and

- (b) Has received a certificate or has been registered in accordance with rules from time to time laid down by the Trade Board and held subject to compliance with the conditions contained in this Section, or has made an application for such certificate or registration, which has been duly acknowledged and is still under consideration. Provided that the certification or registration of a learner may be cancelled if the other conditions of learnership are not complied with.

Provided that an employer may employ a female learner on her first employment, in the branch or branches of the trade as above described, without a certificate or registration for a probation period not exceeding four weeks, but in the event of such learner being continued thereafter at her employment the probation period shall be included in her period of learnership.

Provided that notwithstanding compliance with the conditions contained in this Section a person shall not be deemed to be a learner if she works in a room used for dwelling purposes and is not in the employment of her parent or guardian.

(b) REGULATIONS MADE BY THE BOARD OF TRADE UNDER SECTION 18 OF THE TRADE BOARDS ACT, 1909, AS TO MODE OF GIVING NOTICE (S. R. & O., 1910, No. 430)

1. In these Regulations the following expressions shall have the respective meanings hereby assigned to them :—

“ The Gazette ” shall mean the *London, Edinburgh, or Dublin Gazette*, or one or more of them as the case may require.

“ Person ” shall include any body of persons corporate or unincorporate.

“ Employer ” shall include person as hereby defined.

2. When a Trade Board proposes to fix, cancel, or vary a minimum rate of wages for time-work, or a general minimum rate of wages for piece-work in a particular trade it shall—

(a) Send a notice to all employers of labour engaged in the particular trade, so far as their names and addresses are known to the Trade Board, setting out the rate proposed to be fixed and requiring objections to be lodged with the Trade Board within three months; and shall also

(b) Insert a statement of their intention to fix such rate in the *Gazette*, intimating that on application made to the Trade Board information will (if in the opinion of the Trade Board the applicant is a person likely to be affected by such rate) be given as to the rate proposed



to be fixed, and that objections can be lodged with the Trade Board within the time specified in the statement aforesaid.

3. Every occupier of a factory or workshop or of any place used for giving out work to out-workers shall, on receipt of the notice mentioned in sub-paragraph (a) of the last preceding Regulation, post up a sufficient number of true copies thereof in prominent positions in every factory, workshop, or place used for giving out work, and in such a manner as to ensure that in each case the notice shall be brought to the knowledge of all workers employed by him who are affected thereby.

4. When a rate has been fixed, the Trade Board shall forward notice of the rate so fixed to every occupier as aforesaid, so far as their names and addresses are known to the Trade Board.

5. Every occupier, as aforesaid, shall, on receipt of the notice mentioned in the last preceding Regulation, post up a sufficient number of true copies thereof in prominent positions in every factory, workshop, or place used for giving out work, and in such a manner as to ensure that in each case the notice shall be brought to the knowledge of all workers employed by him who are affected thereby.

## APPENDIX III

### (CHAPTER VIII.)

#### WORKMEN'S COMPENSATION ACT, 1906

(a) REGULATIONS AS TO INDUSTRIAL DISEASES, WITH SCHEDULE OF DISEASES. ORDER (S. R. & O., 1913, No. 814) OF THE SECRETARY OF STATE, DATED JULY 30, 1913, AS AMENDED BY AN ORDER OF 1st JULY, 1914 (S. R. & O., 1914, No. 1507)

(1) Subject to the modifications hereinafter specified, the provisions of Section 8 of the Workmen's Compensation Act, 1906, shall extend and apply to the diseases, injuries, and processes, specified in the first and second columns of the Schedule annexed to this Order, as if the said diseases and injuries were included in the first column of the Third Schedule to the Act, and as if the said processes were set opposite in the second column of that Schedule to the diseases or injuries to which they are set opposite in the second column of the Schedule annexed hereto.

(2) A glass-worker suffering from cataract shall be entitled to compensation under the provisions of the said section, as applied by this Order, for not more than six months in all, and for not more than four months, unless he has undergone an operation for cataract.

(3) A person suffering from writer's cramp shall be entitled to compensation under the provisions of the said section, as applied by this Order, for not more than twelve months.

(4) In the application of the provisions of Section 8 to telegraphist's cramp, so far as regards a workman employed by the Postmaster-General, the Post Office Medical Officer under whose charge the workman is placed shall, if authorised to act for the purposes of the said section by the Postmaster-General, be substituted for the Certifying Surgeon.

(5) The Orders of the 22nd May, 1907, and the 2nd December, 1908, made under Section 8, Sub-section 6, of the Workmen's Compensation Act, 1906, are hereby revoked, except as regards cases arising before the date of this Order.

*Schedule.*

Description of Disease or Injury.	Description of Process.
1. Poisoning by nitro- and amido-derivatives of benzene (dinitro-benzol, anilin, and others) or its sequelæ.	Any process involving the use of a nitro- or amido-derivative of benzene or its preparations or compounds.
2. Poisoning by carbon bisulphide or its sequelæ.	Any process involving the use of carbon bisulphide or its preparations or compounds.
3. Poisoning by nitrous fumes or its sequelæ.	Any process in which nitrous fumes are evolved.
4. Poisoning by nickel carbonyl or its sequelæ.	Any process in which nickel carbonyl gas is evolved.
5. Arsenic poisoning or its sequelæ.	Handling of arsenic or its preparations or compounds.
6. Lead poisoning or its sequelæ.	Handling of lead or its preparations or compounds.
7. Poisoning by <i>Gonioma Kamassi</i> (African boxwood) or its sequelæ.	Any process in the manufacture of articles from <i>Gonioma Kamassi</i> (African boxwood).
8. Chrome ulceration or its sequelæ.	Any process involving the use of chromic acid or bi-chromate of ammonium, potassium, or sodium, or their preparations.
9. Eczematous ulceration of the skin produced by dust or liquids, or ulceration of the mucous membrane of the nose or mouth produced by dust.	
10. Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye, due to pitch, tar, bitumen, mineral oil, or paraffin, or any compound, product, or residue of any of these substances.	Handling or use of pitch, tar, bitumen, mineral oil, or paraffin, etc., etc.
11. Scrotal epithelioma (chimney-sweep's cancer).	Chimney-sweeping.
12. The disease known as Miner's Nystagmus, whether occurring in miners or others, and whether the symptom of oscillation of the eyeballs be present or not.	Mining.
13. Glanders.	Care of any equine animal suffering from glanders ; handling the carcass of such animal.
14. Compressed air illness or its sequelæ.	Any process carried on in compressed air.
15. Subcutaneous cellulitis of the hand (beat hand).	Mining.
16. Subcutaneous cellulitis over the patella (miner's beat knee).	Mining.

Description of Disease or Injury.	Description of Process.
17. Acute bursitis over the elbow (miner's beat elbow).	Mining.
18. Inflammation of the synovial lining of the wrist joint and tendon sheaths.	Mining.
19. Cataract in glass-workers.	Processes in the manufacture of glass involving exposure to the glare of molten glass.
20. Telegraphist's cramp.	Use of telegraphic instruments.
21. Writer's cramp.	

(b) STATISTICS AS TO CERTIFIED SCHEMES OF COMPENSATION

The statistics furnished by the Chief Registrar of Friendly Societies show that on 31st December, 1913, 105 certified schemes were in operation in England and Wales as follows :—

Industry.	Number of Schemes.	Workmen in the Employment.	Workmen under the Schemes.
Railways . . .	1	35,401	31,721
Factories . . .	94	16,401	15,434
Mines . . .	9	7,593	17,142
Quarries . . .	1	775	775
Total . . .	105	70,170	65,072

In addition to these there were two schemes in force in Scotland affecting factories employing 3781 men, all of whom came under the schemes.

(c) REGULATIONS, DATED OCTOBER 17, 1913, MADE BY THE SECRETARY OF STATE UNDER SECTION 12 OF THE WORKMEN'S COMPENSATION ACT, 1906, AS TO RETURNS TO BE FURNISHED EACH YEAR BY EMPLOYERS IN CERTAIN INDUSTRIES WITH RESPECT TO THE COMPENSATION PAID UNDER THE ACT DURING THE PREVIOUS YEAR

1. The industries to which Section 12 of the Act shall apply shall be the industries specified in the first schedule to these Regulations.

2. The date on or before which in every year the return required under the said section shall be sent to the Secretary of State shall be the first day of March.

3. The return shall furnish the particulars and shall be made

in accordance with the directions contained in the second schedule to these Regulations.

4. The Regulations made on the 15th January, 1908, are hereby revoked.

### Schedule 1

#### INDUSTRIES FOR WHICH RETURNS ARE TO BE MADE

- (i.) Mining.
- (ii.) Quarrying.
- (iii.) Working of railways (not being railways laid on public roads) authorised by special Act or by Orders or Certificates made in pursuance of General Acts and having statutory force, including stations and sidings connected with such railways and belonging to the owners thereof.
- (iv.) Any industry being carried on in any factory to which the Factory and Workshop Acts, 1901 and 1907, apply.
- (v.) The business of a harbour, dock, wharf, or quay.
- (vi.) Constructional work (including the construction of railways, tramways, canals, harbours or docks, bridges, tunnels, waterworks, sewers, roads, and other works of engineering, *but not including construction of buildings*).
- (vii.) Shipping (excluding sailing vessels in the sea-fishing service).

### Schedule 2

#### DIRECTIONS FOR PREPARING THE RETURNS

*Note.*—The figures furnished by the individual employer will not be published, but will be treated as strictly confidential; only totals for industries will be published.

(i.) *Separate Returns for each Industry.*—If an employer is engaged in more than one of the seven classes of industry specified in Schedule I., he must make a separate return in respect of each class in which he is engaged. For instance, where a factory is carried on in connection with a mine or quarry, the employer must make a separate return for the factory. In the case of factory industries (Class iv.), separate returns must be made in respect of each of the following groups :—(a) Cotton; (b) wool, worsted and shoddy; (c) other textiles; (d) wood; (e) metals (extraction including conversion, founding, galvanising); (f) marine, locomotive and motor engineering, and shipbuilding; (g) machines, appliances, conveyances, tools; (h) paper, printing, stationery, etc.; (i) china and earthenware; (j) miscellaneous.

In the case of railways, separate returns must be made in

respect of (a) clerical staff, (b) other railway servants employed in the working of railways. In the case of the other industries the clerical staff is to be excluded from the returns.

In the case of shipping, separate returns must be made in respect of (a) steam ships (including motor vessels), and (b) sailing vessels.

Where an employer carries on in connection with an industry included in Schedule I. a business or industry not so included, the return must cover only the persons employed in the scheduled industry—*e.g.*, persons employed by the occupier of a factory in a shop connected with the factory, or persons employed by the occupier of a factory in building operations, are to be excluded.

(ii.) *Forms for Returns.*—Different forms, numbered I. to VII., will be issued for each of the seven classes of industry, and each return must be made upon the form applicable to the industry to which the return relates.

(iii.) *Joint Returns for two or more Establishments, etc.*—A numbered form will be issued by the Home Office for the purpose of the return in respect of each mine, quarry, factory, or dock or wharf on the Home Office lists. But an employer who owns two or more mines or two or more quarries, or who occupies two or more factories (within the same trade group, as indicated in (i.) above), or two or more docks or wharves, may, in lieu of rendering a separate return for each mine, quarry, factory, or dock or wharf, as the case may be, include in one return all his premises falling within the same class of industry or division thereof, provided that he—

(a) States in Part I (a) of the return the names and addresses of all the premises included, and

(b) Returns to the Home Office the other forms sent him and marks them “ Included in Return County and No.        ”  
(for mines and quarries) or “ Included in No.        ” (for  
factories, docks, and wharves), adding the identifying  
number of the return in which the premises are included.

Every form received must be returned to the Home Office.

(iv.) *Payments under Certified Schemes, etc., to be excluded.*—The return must *not* include any particulars with regard to (a) compensation paid under a contracting-out scheme certified by the Registrar of Friendly Societies under the Act, or (b) damages under the Employers’ Liability Act or at Common Law, or (c) payments made under Section 34 of the Merchant Shipping Act, 1906, or (d) compensation for accidents which occurred prior to 1st July 1907.

(v.) *Returns to include only Payments under Act.*—In calculating the figures as to compensation paid, the employer is to take into account only the amount actually paid by him (or by an

Employers' Association or Mutual Indemnity or other Insurance Company on his behalf) under the Act to the worker. In particular, he must not take into account either (a) any benefits given to the worker over and above those provided for by the Act, or (b) costs incurred by him in connection with legal proceedings or otherwise, or (c) amounts received by him by way of indemnity from third parties, or (d) amounts received by him from, or paid by him to, other employers, under Sub-section (1) (c) (iii.) of Section 8 (industrial diseases) of the Act.

(vi.) *Returns by Insurance Companies on behalf of Employers.*—

An employer insured against his liabilities under the Act in a Mutual Indemnity or other Insurance Company, or belonging to an Association of Employers which deals on behalf of its members with claims for compensation, will not be required to make a separate return, if the Company in which he is insured, or the Association to which he belongs, is under an arrangement with the Home Office to make returns of the whole of the prescribed particulars on behalf of the employers insured or represented by it ; provided he states in the form issued to him from the Home Office the name of the Company or Association in which he is insured or to which he belongs and his policy number (or if he has been insured during the year in more than one Company, the name of each Company and the number of each policy) and returns the form to the Home Office. If the employer is insured with a Company, or belongs to an Association, which is under an arrangement with the Home Office to supply part of the particulars prescribed, e.g., the particulars in Part 2 only, the employer will only be required to furnish a return of the remaining particulars. Otherwise, the employer must make the whole return, obtaining any particulars required from the Company or Association.

(vii.) *Returns by Employers partly insured.*—An employer insured for part of the year only, must make a return for the part of the year during which he was uninsured, and must state the period for which the return is made and the name of the Insurance Company, etc., in which he was insured for the remainder of the year.

Similarly, if an employer is insured for part only of the persons employed in his business, or for fatal cases but not for disablement cases, or for accidents but not for industrial diseases—he must make a return for the part of his liability not covered by insurance, and specify in respect of what part of his liability the return is made.

(N.B.—By “insured” is meant insured with a Company or Association which has made an arrangement with the Home Office. See above.)

(viii.) *Number of Persons employed.*—The number of persons

employed, which is to be stated in Part 1 (b) of the return, must be the average number employed *throughout* the year, *e.g.*, two persons employed for six months each are to be counted as one person employed.

(ix.) *Blanks in Return*.—In filling up the form, no blanks must be left. Columns in which there are no entries to be made should have “ Nil ” written across them. If no compensation at all has been paid during the year, the particulars in Part 1 must be filled in, and the words “ No compensation paid ” written across the columns in Part 2.

(x.) *Outside Workers in Factories*.—Persons employed in the business of the factory whose duties take them wholly or partly outside the factory, such as carters, should be included in the return, but their number should be stated separately in Part 1 (b) of the return under the heading of “ Outside workers.” “ Outworkers ” (*i.e.*, persons to whom articles or materials are given out to be made up, finished, cleaned, etc., etc., on *other* premises) are *not* to be included.

(xi.) *Shipping*.—Vessels employed solely on inland waters are not to be included in the return.

If no paid hands have been employed during the year, or if (in the case of steam fishing vessels) the persons employed are paid by the share, a statement to that effect is to be made in Part 1 (b) of the return. If part only of the crew are paid hands, the number must be stated separately.

## FORM OF RETURN

### Part 1

(a) Name and address of Premises and nature of industry\_\_\_\_\_

\_\_\_\_\_

(b) Approximate average number of persons employed to whom the Act applies :—

Male\_\_\_\_\_

Female\_\_\_\_\_

(c) (*In returns for shipping*) Gross tonnage of the ships or vessels in respect of which the return is made\_\_\_\_\_

(d) If you have been insured for the whole of the year and in respect of your whole liability under the Workmen's Compensation Act with a Company or Association which is under an arrangement with the Home Office to make returns, state :—

Name of Insurance Company,\* Indemnity Society, etc., and  
Policy No.\_\_\_\_\_

\_\_\_\_\_



(e) If you have been insured with a Company or Association as aforesaid, but not for the whole year or not for the whole of your liability, state :—

(i.) Name of Insurance Company,\* Indemnity Society, etc.,  
and Policy No. \_\_\_\_\_

(ii.) Period of year or part of liability not covered by insurance (you must also fill up Part 2 of this Form in respect of the period or part of liability not covered)

(f) Name of Owner, Firm, or Company \_\_\_\_\_

Address (for correspondence) \_\_\_\_\_

(Signed) \_\_\_\_\_

*Employer, Secretary, Manager* (or as the case may be).

Date \_\_\_\_\_

\* If you have been insured during the year in more than one Company which is under an arrangement with the Home Office, the particulars must be given in respect of each Company.

Part 2

ACCIDENTS

A.—Cases of Death (whether Compensation paid into Court or to legal personal Representative).

	No. of cases in which compensation paid during 19 .	Total amount of compensation paid during 19 .
(a) Cases where there were persons wholly dependent *		
(b) Cases where there were only persons partly dependent		
(c) Cases where only medical and burial expenses paid		
Total . . .		

\* Including cases in which compensation paid both to persons wholly and to persons partly dependent.

B.—Cases of Persons temporarily or permanently disabled.

I. Total figures for 19 .

	No. of cases in which compensa- tion paid during 19 .	Total amount of compensation paid during 19 .*
Cases continued from previous years . . .		
Cases in which the first payment of com- pensation was made during 19 . . .		
Total . . .		

\* Including both weekly payments and lump sums.

II. Additional particulars as to cases terminated during 19 .

(i.) Particulars as to non-fatal cases settled by  
payment of lump sums.\*

	Number of cases.	Total amount paid.†
Cases settled by payment of lump sum with- out previous weekly payments . . . . .		
Cases settled by payment of lump sum after previous weekly payments :		
(a) Where weekly payments had lasted less than 26 weeks . . . . .		
(b) Where weekly payments had lasted 26 weeks and over . . . . .		
Total . . . . .		

\* Cases in which the lump sum was only the aggregate of a number of separate weekly payments already due should not be entered in this Table but in Table II. (ii.) below.

† Exclusive of previous weekly payments.

(ii.) Particulars as to duration of Compensation in terminated  
cases *not settled by payment of a lump sum.*

State in following table how many cases were terminated during  
19 after payment (whether in 19 or in previous years) of  
less than 2 weeks' compensation, of 2 weeks' compensation  
but less than 3, and so on.

(Cases terminated after weekly payments by payment of  
a lump sum should *not* be included.)

Less than 2 weeks.	2 weeks and less than 3.	3 weeks and less than 4.	4 weeks and less than 13.	13 weeks and less than 26.	26 weeks and over.

III. Additional particulars as to cases *not* terminated during 19 .

State in following table number of cases not terminated at end of 19    which had lasted—

Less than 1 year.	1 year and less than 2.	2 years and less than 5.	5 years and less than 10.*	10 years and over.*

\* Cases in which the accident occurred prior to the 1st July 1907, are not to be included.

INDUSTRIAL DISEASES

A.—Cases of Death (*whether Compensation paid into Court or to legal personal Representative*).

	No. of cases in which compensa- tion paid during 19 .	Total amount of compensation paid during 19 .
(a) Cases where there were persons wholly dependent * . . . . .		
(b) Cases where there were only persons partly dependent . . . . .		
(c) Cases where only medical and burial ex- penses paid . . . . .		
Total . . .		

\* Including cases in which compensation paid *both* to persons wholly *and* to persons partly dependent.

B.—Cases of Persons temporarily or permanently disabled.

I. Total figures for 19 .

	No. of cases in which compensa- tion paid during 19 .	Total amount of compensation paid during 19 .*
Cases continued from previous years . . .		
Cases in which the first payment of com- pensation was made during 19 . . .		
Total . . .		

\* Including both weekly payments and lump sums.

II. Additional particulars as to cases terminated during 19 .  
(i.) Particulars as to non-fatal cases settled by payment of lump sums.\*

	Number of cases.	Total amount paid.†
Cases settled by payment of lump sum without previous weekly payments . . . . .		
Cases settled by payment of lump sum after previous weekly payments :		
(a) Where weekly payments had lasted less than 26 weeks . . . . .		
(b) Where weekly payments had lasted 26 weeks and over . . . . .		
Total . . . . .		

\* Cases in which the lump sum was only the aggregate of a number of separate weekly payments already due should not be entered in this Table but in Table II. (ii.) below.  
† Exclusive of previous weekly payments.

(ii.) Particulars as to duration of Compensation in terminated cases *not settled by payment of a lump sum.*

State in following table how many cases were terminated during 19 after payment (whether in 19 or in previous years) of less than 2 weeks' compensation, of 2 weeks' compensation but less than 3, and so on.  
(Cases terminated after weekly payments by payment of a lump sum should *not* be included.)

Less than 2 weeks.	2 weeks and less than 3.	3 weeks and less than 4.	4 weeks and less than 13.	13 weeks and less than 26.	26 weeks and over.

III. Additional particulars as to cases *not* terminated during 19 .

State in following table number of cases not terminated at end of 19 which had lasted—

Less than 1 year.	1 year and less than 2.	2 years and less than 5.	5 years and less than 10.	10 years and over.

Further particulars as to cases of Industrial Disease.\*

Name of Disease.	Number of cases in which compensation paid.	
	Continued from previous years.	In which first payment was made during 19 .
Anthrax . . . . .		
Lead poisoning or its sequelæ . . . . .		
Mercury poisoning or its sequelæ . . . . .		
Phosphorus poisoning or its sequelæ . . . . .		
Arsenic poisoning or its sequelæ . . . . .		
Ankylostomiasis . . . . .		
Poisoning by nitro- and amido-derivatives of benzene (dinitro-benzol, anilin, and others) or its sequelæ . . . . .		
Poisoning by carbon bisulphide or its sequelæ . . . . .		
Poisoning by nitrous fumes or its sequelæ . . . . .		
Poisoning by nickel carbonyl or its sequelæ . . . . .		
Poisoning by <i>Gonioma Kamassi</i> (African boxwood) or its sequelæ . . . . .		
Chrome ulceration or its sequelæ . . . . .		
Eczematous ulceration of the skin produced by dust or liquids, or ulceration of the mucous membrane of the nose or mouth produced by dust . . . . .		
Epitheliomatous cancer or ulceration of the skin or of the corneal surface of the eye, due to pitch, tar, or tarry compounds . . . . .		
Scrotal epithelioma (chimney sweep's cancer) . . . . .		
Miner's Nystagmus . . . . .		
Glanders . . . . .		
Compressed air illness or its sequelæ . . . . .		
Subcutaneous cellulitis of the hand (beat hand) . . . . .		
Subcutaneous cellulitis over the patella (miner's beat knee) . . . . .		
Acute bursitis over the elbow (miner's beat elbow) . . . . .		
Inflammation of the synovial lining of the wrist joint and tendon sheaths . . . . .		
Cataract in glass-workers . . . . .		
Telegraphist's cramp. . . . .		
Writer's cramp . . . . .		

\* All cases in which compensation is paid for Anthrax should be entered in the return as cases of industrial disease, *not* as cases of accident.

## **APPENDIX IV**

### **(CHAPTER IX.)**

#### **FACTORY AND WORKSHOP ACT, 1901**

##### **SIXTH SCHEDULE**

##### **LIST OF FACTORIES AND WORKSHOPS**

###### **PART I. NON-TEXTILE FACTORIES**

(1) "PRINT WORKS," that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper ;

(2) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on ;

(3) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing earthenware or china of any description, except bricks and tiles, not being ornamental tiles ;

(4) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood ;

(5) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;

(6) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the

paper or other material that is used in making the cases of the cartridges ;

(7) " Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand or by rollers worked by steam, water, or other mechanical power ;

(8) " Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting ;

(9) " Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;

(10) " Copper mills " ;

(11) " Iron mills," that is to say, any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel ;

(12) " Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on ; except any premises or places in which such process is carried on by not more than five persons, and as subsidiary to the repair or completion of some other work ;

(13) " Metal and india-rubber works," that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha ;

(14) " Paper mills," that is to say, any premises in which the manufacture of paper is carried on ;

(15) " Glass works," that is to say, any premises in which the manufacture of glass is carried on ;

(16) " Tobacco factories," that is to say, any premises in which the manufacture of tobacco is carried on ;

(17) " Letter-press printing works," that is to say, any premises in which the process of letter-press printing is carried on ;

(18) " Bookbinding works," that is to say, any premises in which the process of bookbinding is carried on ;

(19) " Flax scutch mills " ;

(20) " Electrical stations," that is to say, any premises or that part of any premises in which electrical energy is generated or transformed for the purpose of supply by way of trade, or for the lighting of any street, public place, or public building, or of any hotel, or of any railway, mine, or other industrial undertaking.

## PART II. NON-TEXTILE FACTORIES AND WORKSHOPS

(21) "Hat works," that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on ;

(22) "Rope works," that is to say, any premises being a ropery, ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power ;

(23) "Bakehouses," that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived ;

(24) "Lace warehouses," that is to say, any premises, room, or place not included in bleaching and dyeing works as hereinbefore defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power ;

(25) "Shipbuilding yards," that is to say, any premises in which any ships, boats, or vessels used in navigation are made, finished, or repaired ;

(26) "Quarries," that is to say, any place not being a mine, in which persons work in getting slate, stone, coprolites or other minerals ;

(27) "Pit-banks," that is to say, any place above ground adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1887, or the Metalliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts ;

(28) Dry cleaning, carpet beating, and bottle-washing works.

(29) Laundries carried on by way of trade or for the purpose of gain, or carried on as ancillary to another business or incidentally to the purposes of any public institution.



## APPENDIX V

### (CHAPTER X.)

#### THE EMPLOYMENT OF CHILDREN

(a) LIST OF LOCAL BYE-LAWS MADE AS TO THE GENERAL EMPLOYMENT OF CHILDREN UNDER THE EMPLOYMENT OF CHILDREN ACT, 1903

A LIST of the local authorities which have exercised these powers will be sufficient, and readers who require further particulars can either obtain copies of the bye-laws in force in any particular district from the local authority, or can consult the tabular analysis of existing bye-laws given at pp. 71-169 of Mr. Keeling's book on *Child Labour in the United Kingdom*.

The list is as follows: London County, London City.

*Counties*.—Cheshire, E. Suffolk, Gloucester, Hampshire, Herts, Middlesex, Norfolk, Wiltshire, Yorkshire, W.R.

*County Boroughs*.—Barnsley, Barrow-in-Furness, Bath, Birkenhead, Bolton, Bournemouth, Bradford, Brighton, Bristol, Cardiff, Chester, Coventry, Croydon, Dewsbury, Eastbourne, Exeter, Halifax, Hastings, Huddersfield, Hull, Ipswich, Leeds, Leicester, Liverpool, Newcastle-on-Tyne, Northampton, Norwich, Nottingham, Reading, Rotherham, Sheffield, Southwich, Southampton, Stoke-on-Trent, Wallesey, West Ham, Worcester.

*Non-County Boroughs*.—Banbury, Benhill, Bromley, Cambridge, Carlisle, Chatham, Cheltenham, Chesterfield, Colne, Crewe, Darlington, Doncaster, Dover, Ealing, East Ham, Gillingham, Guildford, Hornsey, Hove, Keighley, Lowestoft, Macclesfield, Margate, Neath, Nelson, Newbury, Peterborough, Reigate, St. Albans, Southend, Todmorden, Torquay.

*Urban Districts*.—Aberdare, Acton, Barry, Beckenham, Chiswick, Enfield, Erith, Finchley, Gosport and Alverstoke, Hendon, Ilford, Leyton, Penge, Pontypridd, Rhondda, Tottenham, Twickenham, Walthamston, Wood Green.

*Burgh School Boards.*—Aberdeen, Ayr, Brechin, Dumfries, Dundee, Edinburgh, Glasgow, Greenock, Kilmarnock, Kirkcaldy and Dysart, Kirkintilloch, Leith, Paisley, Perth, Renfrew, Stirling.

*Parish School Boards.*—Ardrossan, Blantyre, Cathcart, Crieff, Ferryport-on-Craig, Gourock, Govan, Kilmacolm, Old Kilpatrick, Old Monkland, Peebles, Rutherglen.

**(b) REGULATIONS AS TO GRANTS OF CERTIFICATES OF FITNESS  
(FACTORY AND WORKSHOP ACT, 1901, SECTION 64)**

With respect to a certificate of fitness for employment for the purposes of this Act, the following provisions shall have effect :

- (1) The certificate shall be granted by the certifying surgeon for the district.
- (2) The certificate must not be granted except upon personal examination of the person named therein.
- (3) A certifying surgeon shall not examine a young person or child for the purpose of the certificate or sign the certificate elsewhere than at the factory where the young person or child is or is about to be employed, unless the number of young persons and children employed in that factory is less than five, or unless for some special reason allowed in writing by an inspector.
- (4) The certificate must be to the effect that the certifying surgeon is satisfied, by the production of a certificate of birth or other sufficient evidence, that the person named in the certificate is of the age therein specified, and has been personally examined by him and is not incapacitated by disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.
- (5) The certificate may be qualified by conditions as to the work on which a child or young person is fit to be employed, and if it is so qualified the occupier shall not employ the young person or child otherwise than in accordance with the conditions.
- (6) A certifying surgeon shall have the same powers as an inspector for the purpose of examining any process in which a child or young person presented to him for the grant of a certificate is proposed to be employed.
- (7) All factories in the occupation of the same occupier and in the district of the same certifying surgeon, or any of them, may be named in the certificate, if the surgeon is

of opinion that he can truly give the certificate for employment therein.

- (8) The certificate of birth (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the young person or child (whether that copy is obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the returns transmitted to that authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.
- (9) Where the certificate is to the effect that the certifying surgeon has been satisfied of the age of a young person or child by evidence other than the production of a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate if he has reasonable cause to believe that the real age of the young person or child named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.
- (10) Where a certifying surgeon refuses to grant a certificate for any person examined by him, he shall when required give in writing and sign the reasons for his refusal.

## APPENDIX VI

### (CHAPTER XI.)

#### THE EMPLOYMENT OF WOMEN AND YOUNG PERSONS

##### (a) FIVE HOURS' SPELL IN CERTAIN TEXTILE FACTORIES

*THE Factory and Workshop Act, 1901, Section 39.*—(1) In any of the textile factories to which this exception applies, a woman, young person, or child may, between November 1 and March 31, be employed continuously for 5 hours without an interval for a meal; provided that—

(a) The period of employment fixed by the occupier and specified in the notice begins at 7 A.M.; and

(b) The whole time between that hour and 8 A.M. is allowed for meals.

(2) This exception applies to textile factories solely used for—

(a) The making of elastic web; or

(b) The making of ribbon; or

(c) The making of trimming.

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the women, young persons, and children affected thereby, he may by Special Order extend this exception accordingly. The limitation of this exception to the period between November 1 and March 31 shall not, if the Secretary of State by Special Order so directs, apply to hosiery factories.

*Special Orders made under Section 39.*—By an Order dated December 20, 1882 (actually made under Section 48 of the Factory and Workshop Act, 1878), as amended by an Order dated May 12, 1902, the provisions of Section 39 have been extended to—

- (d) Woollen factories in the Counties of Oxford, Wilts, Worcester, Gloucester, and Somerset.
- (e) Factories in which the only processes carried on are those of winding and throwing raw silk or either of such processes.
- (f) Hosiery factories ; the limitation of the said exception to the period between November 1 and March 31 is not to apply to these factories ; but the exception is to apply to any hosiery factory only during such period of the year as may be specified by the occupier in the notice which an occupier availing himself of a special exception is required by Section 60 of the Act to serve on the inspector and to exhibit in the factory.

(b) EXCEPTIONS TO SECTION 33 OF THE FACTORY AND WORKSHOP ACT, 1901. (SIMULTANEOUS MEAL TIMES, ETC.)

*Section 40.*—(1) The provisions of this Act which require that all the women, young persons, and children employed in a factory or workshop must have the times allowed for meals at the same hour of the day shall not apply to the following factories, namely :

- (i.) Blast furnaces, or
- (ii.) Iron mills, or
- (iii.) Paper mills, or
- (iv.) Glass works, or
- (v.) Letter-press printing works.

(2) The provisions of this Act which require that a woman, young person, or child shall not during the times allowed for meals be employed or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on shall not apply to the following factories, namely :

- (i.) Iron mills, or
- (ii.) Paper mills, or
- (iii.) Glass works (except any part in which the materials are mixed, and, in the case of glass works where flint glass is made, any part in which the work of grinding, cutting, or polishing is carried on), or
- (iv.) Letter-press printing works.

(3) In that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on—

- (i.) A male young person may have the times allowed him for meals at different hours of the day from other young persons and women and children employed in the factory ;

- (ii.) A male young person may during the times allowed for meals to any other young person or to any woman or child be employed or be allowed to remain in a room in which a manufacturing process is carried on ; and
- (iii.) During the times allowed for meals to a male young person any other young person or any woman or child may be employed in the factory or be allowed to remain in a room in which a manufacturing process is carried on.

(4) Where it is proved to the satisfaction of the Secretary of State that in any class of factories or workshops or parts thereof it is necessary, by reason of the continuous nature of the process or of special circumstances affecting that class, to extend thereto both or either of the following exceptions, namely :

- (a) An exception permitting the women, young persons, and children employed in the factory or workshop to have the times allowed for meals at different hours of the day, or
- (b) An exception permitting women, young persons, and children, during the times allowed for meals in the factory or workshop, to be employed in the factory or workshop or to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on ;

and that the extension can be made without injury to the health of the women, young persons, and children affected thereby, he may, by Special Order, extend both or either of those exceptions accordingly.

*Special Orders made under Section 40. I. Order, dated December 20, 1882.*—The provisions of the Act which require that all children, young persons, and women employed in the factory or workshop shall have the times allowed for meals at the same time of the day shall not apply in the case of—

- (a) Textile factories wherein female young persons or women employed in a distinct department in which there is no machinery commence work at a later hour than the men and other young persons, subject to the condition that all in the same department shall have their meals at the same time.
- (b) Non-textile factories and workshops wherein is carried on the making of wearing apparel.
- (c) Non-textile factories and workshops wherein there are two or more departments or sets of young persons, subject to the condition that all in the same department or set shall have their meals at the same time.
- (d) The following non-textile factories and workshops, viz. :

Dressing floors,  
Tin streams,  
China clay pits, and  
Quarries, } in the county of Cornwall.

2. *Order, dated December 20, 1882.*—The provisions of the Act which require that a child, young person, and woman shall not during any part of the times allowed for meals in a factory or workshop be allowed to remain in a room in which the manufacturing process or handicraft is being carried on shall not apply to the case of—

(a) Textile factories wherein female young persons or women employed in a distinct department in which there is no machinery commence work at a later hour than the men and other young persons, subject to the condition that all in the same department shall have their meals at the same time.

(b) Non-textile factories and workshops wherein is carried on the making of wearing apparel.

(c) Non-textile factories and workshops wherein there are two or more departments or sets of young persons, subject to the condition that all in the same department or set shall have their meals at the same time.

(d) The following non-textile factories and workshops, viz.:

Dressing floors,  
Tin streams,  
China clay pits, and  
Quarries, } in the county of Cornwall.

3. *Order, dated February 24, 1887.*—The provisions of the Act which require that all children, young persons, and women employed in the factory or workshop shall have the times allowed for meals at the same time of the day shall not apply in the case of—

Non-textile factories wherein is carried on the making of bread or biscuits by means of travelling ovens.

4. *Order, dated February 24, 1887.*—The provisions of the Act which require that a child, young person, and woman shall not during any part of the times allowed for meals in a factory or workshop be allowed to remain in a room in which the manufacturing process or handicraft is being carried on shall not apply in the case of—

Non-textile factories wherein is carried on the making of bread or biscuits by means of travelling ovens.

5. *Order, dated May 1, 1896.*—The provisions of the Act which require that all the children, young persons, and women employed in the factory or workshop shall have the times allowed for meals at the same hour of the day shall not apply to

Factories and workshops in which is carried on the printing of photographs, subject to the condition that in every factory and workshop the occupier of which avails himself of this exception, there shall be affixed a notice showing the names of the children, young persons, and women employed in the factory or workshop, and the times allowed to each of them for meals.

6. *Order, dated July 20, 1899.*—The provisions of the Act which require (a) that all the children, young persons, and women employed in a factory or workshop shall have the times allowed for meals at the same hour of the day, and (b) that a child, young person, or woman shall not, during any part of the times allowed for meals in a factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on, shall not apply to

Factories in which is carried on the spinning of artificial silk, subject to the following conditions :

- (1) One set of meal hours shall be appointed for the children, young persons, and women whose ordinary employment in the factory is the spinning of artificial silk ; another set for all other children, young persons, and women employed in the factory.
- (2) All children, young persons, and women whose ordinary employment in the factory is the spinning of artificial silk, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory, or be allowed to remain in a room in which any manufacturing process or handicraft is then being carried on.
- (3) All other children, young persons, and women employed in the factory, shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory, or be allowed to remain in a room in which any manufacturing process or handicraft is then being carried on.
- (4) In every room in which any child, young person, or woman is employed in the spinning of artificial silk, there shall be affixed a complete and accurate list of all children, young persons, and women, whose ordinary employment in the factory is the spinning of artificial silk, together with a statement of the meal hours appointed for them.
- (5) In every room in which any child, young person, or woman is employed in the spinning of artificial silk, there shall be at least 1000 cubic feet of air space to each person employed.



7. *Order, dated September 6, 1899.*—The provisions of the Act which require (a) that all the children, young persons, and women employed in a factory or workshop shall have the time allowed for meals at the same hour of the day, and (b) that a child, young person, or woman shall not, during any part of the times allowed for meals in a factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on, shall not apply to

Textile factories in which the material used is flax, jute, or hemp,

subject to the following conditions :

- (1) One set of meal hours shall be appointed for the children, young persons, and women whose sole employment in the factory is the sweeping and removal of waste from the floors, hereinafter referred to as sweepers ; another set for all other children, young persons, and women employed in the factory.
- (2) All sweepers shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory.
- (3) All other children, young persons, and women employed in the factory shall have the same hours appointed for their meals, and shall not during those hours be employed in the factory.
- (4) At the entrance of the factory there shall be kept posted a complete and accurate list of all sweepers employed in the factory, together with a statement of the meal hours appointed for them.
- (5) In every room in which both sweepers and other persons are employed there shall be at least 1000 cubic feet of air space to each person employed.

8. *Order, dated March 11, 1903.*—The following special exceptions, namely :

- (a) An exception permitting young persons employed in a factory or a workshop to have the times allowed for meals at different hours of the day ; and
- (b) An exception permitting young persons during the time allowed for meals in the factory or workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on ;

Shall extend to—

Young persons above the age of 16 employed in electrical stations,

subject to the following conditions :

- (1) For the purpose of ensuring that a reasonable temperature

shall be maintained as required by Section 6 of the Act, thermometers shall be provided, maintained and kept in working order in suitable positions in each room where such young persons are employed ;

(2) Sufficient and suitable sanitary accommodation complying with the requirements of any Special Order made by the Secretary of State under Section 9 of the Act shall be provided ;

(3) The exception shall apply only to young persons employed as assistants to adults who are actually present with them during the whole time of their employment.

9. *Order, dated June 23, 1904.*—The following special exceptions, namely :

(a) An exception permitting young persons employed in a factory or a workshop to have the times allowed for meals at different hours of the day ; and

(b) An exception permitting young persons during the times allowed for meals in the factory or workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on ;

shall extend to—

Male young persons employed in iron and steel foundries.

10. *Order, dated October 13, 1908.*—The following special exceptions, namely :

(a) An exception permitting women and young persons employed in a workshop to have the times allowed for meals at different hours of the day ; and

(b) An exception permitting women and young persons during the times allowed for meals in the workshop to be allowed to remain in a room in which a manufacturing process or handicraft is being carried on ;

shall extend to—

Women and young persons employed in florists' workshops, subject to the condition that in every workshop the occupier of which avails himself of this exception there shall be affixed a notice showing the names of the women and young persons employed in the workshop and the times allowed to each of them for meals.

(c) SPECIAL EXCEPTIONS AS TO HOURS UNDER SECTION 36 OF THE FACTORY AND WORKSHOP ACT, 1901

*Order, dated December 26, 1907.*—In the factories and workshops named in the Schedule the period of employment for women and young persons may, on any day except Saturday, begin at nine o'clock in the morning and end at nine o'clock at night, subject to the following conditions :

- (1) After 8 P.M., in each room in which any woman or young person is being employed, the number of persons employed therein shall not exceed the proportion of one person for every 400 cubic feet of space.
- (2) The period of employment for a child in a morning set shall begin at nine o'clock in the morning, and for a child in the afternoon set shall end at eight o'clock in the evening.
- (3) In the case of factories in the County of London in which letter-press bookbinding is carried on, the special exception shall not apply except between the first day of September and the last day of February following.

### *Schedule*

Factories in the County of London in which letter-press bookbinding is carried on.

Laundries in the County of London and the following Urban and Rural districts :

Tottenham.	Barnes.
Edmonton.	Ham.
Hornsey.	Kingston-upon-Thames.
Wood Green.	Surbiton.
Finchley.	Malden and Coombe.
Hendon, Urban.	Wimbledon.
Willesden.	Merton.
Acton.	Croydon, Rural (parish of Mitcham only).
Ealing.	Croydon, Urban.
Southall—Norwood.	Penge.
Chiswick.	Beckenham.
Heston and Isleworth.	Bromley.
Twickenham.	Barking Town.
Teddington.	West Ham.
Hampton.	East Ham.
Hampton Wick.	Leyton.
Richmond.	Ilford.
Walthamstow.	Wanstead.
Brentford.	

**(d) EMPLOYMENT OF MALE YOUNG PERSONS ABOVE 16 IN LACE FACTORIES AND BAKEHOUSES (FACTORY AND WORKSHOP ACT, 1901, SECTIONS 37 AND 38)**

*Section 37.*—(1) In the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, the period of employment for any male young person above the age of 16 years may be between four o'clock in the morning and ten o'clock in the evening, if

he is employed in accordance with the following conditions ; namely :

- (a) Where he is employed on any day before the beginning or after the end of the ordinary period of employment there must be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours ; and
- (b) Where he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period ; and
- (c) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

(2) For the purpose of this exception the ordinary period of employment means the period of employment for women or young persons under the age of 16 years in the factory, or, if none are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of 16 years in the factory, and notice of such period shall be affixed in the factory.

*Section 38.*—(1) In the part of a bakehouse in which the process of baking bread is carried on, the period of employment for any male young person above the age of 16 years may be between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions ; namely :

- (a) Where he is employed on any day before the beginning or after the end of the ordinary period of employment, there must be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours ; and
- (b) Where he is employed on any day before the beginning of the ordinary period of employment, he must not be employed on the same day after the end of that period ; and
- (c) Where he is employed on any day after the end of the ordinary period of employment, he must not be employed next morning before the beginning of the ordinary period of employment.

(2) For the purposes of this exception the ordinary period of employment means the period of employment for women or young persons under the age of 16 years in the bakehouse, or, if none

are employed, means such period as can under this Act be fixed for the employment of women and young persons under the age of 16 years in the bakehouse, and notice of that period shall be affixed in the bakehouse.

**(e) NIGHT WORK FOR MALE YOUNG PERSONS (FACTORY AND WORKSHOP ACT, 1901, SECTION 54 AND SPECIAL ORDERS MADE THEREUNDER, AND SECTION 55)**

*Section 54.*—(1) In the factories and workshops to which this exception applies a male young person of 14 years of age and upwards may be employed during the night, if he is employed in accordance with the following conditions, namely :

- (a) The period of employment must not exceed twelve consecutive hours, and must begin and end at the hours specified in the notice in this Act mentioned ; and
  - (b) The provisions of this Part of this Act with respect to the allowance of times for meals shall be observed with the necessary modifications as to the hour at which the meal times are fixed ; and
  - (c) A young person employed during any part of the night must not be employed during any part of the twelve hours preceding or succeeding the period of employment ; and
  - (d) He must not be employed on more than six nights, or in the case of blast furnaces or paper mills seven nights, in any two weeks ; provided that this condition shall not prevent the employment of male young persons in three shifts of not more than eight hours each, if there is an interval of two unemployed shifts between each two shifts of employment ; and
  - (e) In the case of blast furnaces, iron mills, letter-press printing works, or paper mills, he must not be employed during the night in any process other than a process incidental to the business of the factory as described in Part I. of the 6th Schedule to this Act.
- (2) The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of whole or half-holidays, shall not apply to a male young person employed in day and night turns in pursuance of this exception.
- (3) This exception applies to the following factories, namely :
- (a) Blast furnaces,
  - (b) Iron mills,
  - (c) Letter-press printing works, and
  - (d) Paper mills.

(4) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops, or parts thereof, it is necessary by reason of the nature of the business requiring the process to be carried on throughout the night to employ male young persons of 16 years of age and upwards at night, and that such employment will not injure the health of the male young persons employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof as far as regards young persons of the age of 16 years and upwards.

*Special Orders made under Section 54 (4).* 1. *Order, dated March 11, 1903.*—The special exception by which a male young person may be employed during the night shall extend to—

Male young persons of the age of 16 and upwards employed in electrical stations, subject to the conditions prescribed in Subsection (1) of the said Section 54 and to the following further conditions :

(1) For the purpose of ensuring that a reasonable temperature shall be maintained as required by Section 6 of the Act, thermometers shall be provided, maintained and kept in working order in suitable positions in each room where such young persons are employed ;

(2) Sufficient and suitable sanitary accommodation complying with the requirements of any Special Order made by the Secretary of State under Section 9 of the Act shall be provided ;

(3) The exception shall apply only to young persons employed as assistants to adults who are actually present with them during the whole time of their employment.

2. *Order, dated May 21, 1913.*—In pursuance of Section 59 of the Factory and Workshop Act, 1901, I hereby rescind so much of the Order of May 4, 1903, as relates to the night employment of young persons in factories in which reverberatory or regenerative furnaces are used, and in pursuance of Section 54 of that Act I direct that the special exception by which a male young person may be employed during the night shall extend, so far as regards—

Young persons of the age of 16 years and upwards, to that part of any factory in which reverberatory or regenerative furnaces are used and are necessarily kept in operation day and night in order to avoid waste of material or fuel, subject to the conditions prescribed in Subsection (1) of the said Section and to the following further conditions :

(1) The exception shall apply only to young persons employed in such processes requiring to be carried on continuously throughout the night as are defined in the certificate of the Inspector hereinafter mentioned.

- (2) Every young person employed in pursuance of the exception shall be submitted by the occupier to the Certifying Surgeon for the district once at least in every six months for examination at the factory, for which examination the like fee shall be payable by the occupier as for examinations for certificates of fitness in pursuance of the Act, and a register of such examinations shall be kept at the factory in the prescribed form and containing the prescribed particulars.
- (3) No young person who on examination is certified by the Certifying Surgeon, by signed entry in the register, to be unfit for such employment shall be employed again in pursuance of the exception without the written sanction of the Certifying Surgeon entered as above.
- (4) No young person shall be employed in pursuance of the exception unless and until the occupier holds a certificate from the Inspector of the district to the effect that provision has been made to his satisfaction for compliance with the conditions specified in this Order, which certificate shall define the processes to which the exception applies.

3. *Order, dated May 21, 1913.*—In pursuance of Section 59 of the Factory and Workshop Act, 1901, I hereby rescind so much of the Order of May 4, 1903, as relates to the night employment of young persons in galvanising sheet metal and wire, and in pursuance of Section 54 of that Act I direct that the special exception by which a male young person may be employed during the night shall extend, so far as regards—

Young persons of the age of 16 years and upwards, to the factories or parts thereof in which is carried on the process of galvanising sheet metal and wire,  
subject to the conditions prescribed in Subsection (1) of the said section and to the following further conditions :

- (1) The exception shall apply only to young persons employed in the process aforesaid.
- (2) Every young person employed in pursuance of the exception shall be submitted by the occupier to the Certifying Surgeon for the district once at least in every six months for examination at the factory, for which examination the like fee shall be payable by the occupier as for examinations for certificates of fitness in pursuance of the Act, and a register of such examinations shall be kept at the factory in the prescribed form and containing the prescribed particulars.
- (3) No young person who on examination is certified by the Certifying Surgeon, by signed entry in the register,



to be unfit for such employment shall be employed again in pursuance of the exception without the written sanction of the Certifying Surgeon entered as above.

- (4) No young person shall be employed in pursuance of the exception unless and until the occupier holds a certificate from the Inspector of the district to the effect that provision has been made to his satisfaction for compliance with the conditions specified in this Order.

*Section 55.*—In glass works a male young person of 14 years of age and upwards may work according to the accustomed hours of the works, if he is employed in accordance with the following conditions, namely :

- (a) The total number of hours of the periods of employment must not exceed sixty in any one week ; and
- (b) The periods of employment must not exceed fourteen hours in four separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that the number of turns do not exceed nine ; and
- (c) He must not work in any turn without an interval of time not less than one full turn ; and
- (d) He must not be employed continuously for more than five hours without an interval of at least half an hour for a meal ; and
- (e) He must not be employed on Sunday.

**(f) SPECIAL CONDITIONS FOR FRUIT PRESERVING (MADE UNDER THE FACTORY AND WORKSHOP ACT, 1901, SECTION 41)**

1. There shall be sufficient and suitable sanitary accommodation for the use of all persons employed, as defined in the Special Order made by the Secretary of State under Section 9 of the Factory and Workshop Act, 1901.

2. There shall be sufficient and suitable washing accommodation for the use of all persons employed in cleaning or preparing fruit.

3. In each room in which women or young persons are employed in pursuance of the special exception :

- (a) There shall be not less than 400 cubic feet of air space for each person employed in the room.
- (b) If any process is carried on which entails the giving off of steam, a fan or other efficient means shall be maintained and used for the removal of steam at or near to the point of origin.
- (c) A thermometer shall be kept affixed.
- (d) The floors shall be maintained in good condition ; and,



if any wet process is carried on, so drained as to carry the wet away from the workers.

(e) The walls and ceilings shall once in every six months be limewashed, or, if the surface be such as not to admit of limewashing, washed.

(f) There shall be adequate lighting.

4. No woman or young person shall be employed in pursuance of the special exception unless and until the occupier holds a certificate from the Inspector of the district, to the effect that provision has been made to his satisfaction for compliance with the foregoing requirements of this Order, for the maintenance of a reasonable temperature, and for ventilation.

Such certificate shall be in writing, and shall be kept attached to the General Register, and shall be revocable at any time by one week's notice in writing from the Inspector of the district.

5. No young person shall be employed to lift, carry, or move any weight so heavy as to be likely to cause injury to such young person.

6. (a) No woman or young person shall be employed before six o'clock in the morning or after ten o'clock in the evening.

(b) In the case of young persons, a period of not less than ten hours shall elapse between the termination of work on one day and the commencement of work on the following day.

7. No woman or young person shall be employed continuously for more than five hours without an interval of at least half an hour.

8. There shall be an interval of one hour at least, either at the same time or at different times, before three o'clock in the afternoon.

9. No woman or young person shall be employed in pursuance of the exception who has since the first day of October last preceding been employed by the same occupier outside the ordinary period of employment in pursuance of any other special exception.

10. The occupier shall each year, before employing any person in pursuance of the special exception, enter in the prescribed Notice, which shall be kept affixed in the factory or workshop, the name of such person, and whether under 16, under 18, or over 18 years of age, and a declaration that such person has not been employed outside the ordinary period of employment in pursuance of any other special exception since the first day of October last preceding.

11. On every day on which a woman or young person is employed in pursuance of the special exception, the occupier shall enter in the prescribed Register, and report to the Inspector of the district in the prescribed form, the hour at which the fruit arrived at the factory or workshop, the processes on which women

or young persons were employed in pursuance of the exception, the periods of employment of such women and young persons, and the intervals allowed them for meals.

12. The Order of June 17, 1902, is hereby repealed.

(g) SPECIAL EXCEPTIONS AS TO CREAMERIES (MADE UNDER THE FACTORY AND WORKSHOP ACT, 1901, SECTION 42)

(1) During the months of May to October inclusive women and young persons may be employed during a period of employment which shall on Saturdays or any day substituted for Saturday, in pursuance of Section 43 of the Act, begin at six o'clock in the morning and end at two o'clock in the afternoon, and on the other week days begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Sundays and holidays be a period of three consecutive hours to be fixed between six o'clock in the morning and seven o'clock in the evening, subject to the following conditions :

- (i.) A woman or young person shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal ;
- (ii.) There shall be allowed for intervals on Saturday, or the day substituted for Saturday, not less than one hour, and on the other week days not less than five hours, including the whole time from twelve noon to four o'clock in the afternoon ;
- (iii.) No overtime shall be worked in the creamery in pursuance of any other exception.

(2) In creameries where the above exception is not used, women and young persons may be employed during the said months on Sundays and holidays during a period of three consecutive hours, to be fixed between six o'clock in the morning and seven o'clock in the evening, subject to the following conditions :

- (i.) An interval of not less than half an hour shall be allowed within the period of employment on each week-day, in addition to those required by the Act.
- (ii.) No overtime shall be worked in the creamery in pursuance of any other exception.

The Order dated June 9, 1902, is hereby repealed.

NOTE.—Before this exception is used in any creamery, a notice must, in pursuance of Section 60 of the Factory and Workshop Act, 1901, be posted in the creamery showing the beginning and end of the period of employment and the intervals to be allowed, and a copy of such notice must be sent to the Inspector. The notice must be kept affixed so long as the exception is used.

No change may be made in the periods or intervals specified in

the notice until the occupier has served on the Inspector, and affixed in the creamery, notice of his intention to make the change, nor more often than once a quarter unless for special cause allowed in writing by an Inspector.—Section 32.

**(h) PROVISIONS AS TO OVERTIME (FACTORY AND WORKSHOP ACT, 1901, SECTIONS 49, 50, 51, 52, AND 53, WITH CLASSIFIED LIST AND A SPECIAL ORDER MADE UNDER SECTION 52)**

*Section 49.*—(1) In the non-textile factories and workshops or parts thereof and warehouses to which this exception applies, the period of employment for women on any day except Saturday, or any day substituted for Saturday, may be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening, or between eight o'clock in the morning and ten o'clock in the evening if they are employed in accordance with the following conditions, namely :

- (a) There must be allowed to every woman for meals during the period of employment not less than two hours, of which half an hour must be after five o'clock in the evening ; and
- (b) A woman must not be so employed in the whole for more than three days in any one week ; and
- (c) Overtime employment under this section must not take place in a factory or workshop on more than thirty days in the whole in any twelve months, and in reckoning that period of thirty days, every day on which any woman has been employed overtime is to be taken into account.

(2) This exception applies to the non-textile factories and workshops and parts thereof and warehouses specified in the 2nd Schedule to this Act, except that it does not apply to a workshop or part thereof which is conducted on the system of not employing any young person or child therein.

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women affected thereby, he may, by Special Order, extend this exception to those factories or workshops or parts thereof.

**Section 50.**—(1) In the factories and workshops and parts thereof to which this exception applies the period of employment for a woman may on any day except Saturday, or any day substituted for Saturday, be between six o'clock in the morning and eight o'clock in the evening, or between seven o'clock in the morning and nine o'clock in the evening if she is employed in accordance with the following conditions, namely :

- (a) There must be allowed her for meals not less than two hours, of which half an hour must be after five o'clock in the evening ; and
- (b) She must not be so employed in the whole for more than three days in any one week ; and
- (c) Overtime employment under this section must not take place in a factory or workshop on more than fifty days in the whole in any twelve months ; and in reckoning that period of fifty days, every day on which any woman has been employed overtime is to be taken into account.

(2) This exception applies to every factory and workshop or part thereof in which is carried on—

- (a) The process of making preserves from fruit ; or
- (b) The process of preserving or curing fish ; or
- (c) The process of making condensed milk.

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may, by Special Order, extend this exception to those factories or workshops or parts thereof.

**Section 51.**—(1) If in any factory or workshop or part thereof to which this exception applies, the process in which a woman, young person, or child is employed is in an incomplete state at the end of the period of employment of the woman, young person, or child, the woman, young person, or child may on any day except Saturday, or any day substituted for Saturday, be employed for a further period not exceeding thirty minutes :

Provided that those further periods, when added to the total number of hours of the periods of employment of the woman, young person, or child in that week, do not raise that total above the number otherwise allowed under this Act.

(2) This exception applies to the factories and workshops following, namely :

- (a) Bleaching and dyeing works ;
- (b) Print works ;

- (c) Iron mills in which male young persons are not employed during any part of the night.
- (d) Foundries in which male young persons are not employed during any part of the night.
- (e) Paper mills in which male young persons are not employed during any part of the night.

(3) Where it is proved to the satisfaction of the Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot, by reason of the nature thereof, be accurately fixed, and that the extension to that class of factories or workshops or parts thereof of this exception can be made without injury to the health of the women, young persons, and children affected thereby, he may by Special Order extend this exception accordingly.

*Section 52.*—Where it appears to the Secretary of State that factories driven by water power are liable to be stopped by drought or flood, he may, by Special Order, grant to those factories a special exception, permitting the employment of women and young persons during a period of employment from 6 A.M. until 7 P.M. on such conditions as he thinks proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, or any day substituted for Saturday, and that as regards factories liable to be stopped by drought, the special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, the special exception shall not extend to more than forty-eight days in any period of twelve months. The overtime shall not extend in any case beyond the time already lost during the previous twelve months.

*Section 53.*—A woman or young person may on any day except Saturday, or any day substituted for Saturday, be employed beyond the period of employment, so far as is necessary for the purpose only of preventing any damage which may arise from spontaneous combustion in the process of turkey-red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

*Lists of Factories and Workshops in which Overtime may be worked under Section 49. Class A (Second Schedule).*—Non-textile factories and workshops and parts thereof where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather ; namely :

- (a) Flax-scutch mills.
- (b) Any factory or workshop or part thereof in which is carried on the making or finishing of brick or tiles, not being ornamental tiles.

- (c) The part of rope works in which is carried on the open-air process.
- (d) The part of bleaching and dyeing works in which is carried on open-air bleaching or turkey-red dyeing.
- (e) Any factory or workshop or part thereof in which is carried on glue making.

*Class B (Second Schedule).*—Non-textile factories and workshops and parts thereof where press of work arises at certain recurring seasons of the year :

- (1) Letter-press printing works.
- (2) Bookbinding works, and  
Any factory, workshop, or part thereof in which is carried on the manufacturing process or handicraft of—
  - (3) Lithographic printing.
  - (4) Machine ruling.
  - (5) Firewood cutting.
  - (6) Bon-bon and Christmas present making.
  - (7) Almanac making.
  - (8) Valentine making.
  - (9) Envelope making.
  - (10) Aerated water making.
  - (11) Playing card making.

*Class C1 (Second Schedule).*—Non-textile factories and workshops and parts thereof where the business is liable to sudden press of orders arising from unforeseen events, namely, any factory or workshop or part thereof in which is carried on the manufacturing process or handicraft of—

- (1) The making up of any article of wearing apparel.
- (2) The making up of furniture hangings.
- (3) Artificial flower making.
- (4) Fancy box making.
- (5) Biscuit making.
- (6) Job dyeing.

*Classes B2 and C2 (Special Order, dated October 13, 1908).*—Non-textile factories and workshops, or parts thereof in which the following processes or any of them are carried on :

- (1) The making of cardboard and millboard.
- (2) The colouring and enamelling of paper, other than wall-papers.
- (3) The stamping in relief on paper and envelopes.
- (4) The making of postage stamps, stamped post cards, and stamped envelopes.
- (5) The making of Christmas and New Year cards and of cosaques.
- (6) The making of meat pies, of mince meat, and of Christmas puddings.

- (7) The bottling of beer.
- (8) The making of boxes for aerated water bottles.
- (9) The washing of bottles for use in the preserving of fruit.
- (10) The making and mixing of butter and the making of cheese.
- (11) The making of fireworks.
- (12) The calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth. (This does not apply in Lancashire and Cheshire, except where these are the only processes carried on in the factory.)
- (13) The warping, winding, or filling of yarn, without the aid of mechanical power, as incidental to the weaving of ribbons.
- (14) The making up of any article of table-linen, bed-linen, or other household linen, and processes incidental thereto, and
- (15) The making of bouquets or wreaths or similar articles from natural flowers or leaves or processes in which natural flowers or leaves are otherwise adapted for sale.

It is a condition of the employment of any woman in pursuance of this order that—

- (1) There shall be in each room in which overtime is being worked at least 400 cubic feet of space for each person employed therein ;
- (2) A woman shall not be employed overtime on any process other than a process named in this Order.

*Class D (Second Schedule).*—Any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.

*Overtime Employment in Factories driven by Water (Section 52). Order, dated December 20, 1882.*—Every factory falling within the class of factories mentioned in the Schedule hereunder, is entitled to a special exception permitting the employment therein of young persons and women during a period of employment from 6 A.M. to 7 P.M., for the purpose of recovery of time lost from the stoppage of such factory by drought or flood, subject nevertheless to the following conditions :

- 1. No person employed under this special exception shall be thereby deprived of the meal hours by the Act provided, or be so employed on Saturday.
- 2. Notice of the time lost and the cause thereof shall be reported to the Inspector within three days of such loss.
- 3. Notice of the recovery of the time lost shall be reported to the Inspector day by day as the same has been recovered.
- 4. This special exception shall not be available—
  - (a) For the recovery of any time lost more than 12 months previously ;



- (b) For the recovery of time lost from the stoppage of the factory by drought, for more than 96 days in any period of 12 months ;
  - (c) For the recovery of time lost from the stoppage of the factory by floods, for more than 48 days in any period of 12 months.
5. This special exception will not authorise the employment of children.

*Schedule*

Factories in which water-power *alone* is used to move the machinery.

(i) MISCELLANEOUS PROVISIONS OF THE SHOPS ACT, 1912 AND 1913 (ACT OF 1913, SECTION 1 ; ACT OF 1912, SECTIONS 4 TO 14, AND 2nd AND 3rd SCHEDULES)

*Shops Act, 1913. Section 1.*—(1) The provisions of Section 1 of the Shops Act, 1912, shall not apply to shop assistants employed in any premises for the sale of refreshments, whether licensed for the sale of intoxicating liquor or not, if their employment is wholly or mainly in connexion with the sale of intoxicating liquors or refreshments for consumption on the premises, and if the occupier of the premises, by such a notice as is hereinafter mentioned, signifies that he elects that instead of those provisions the following provisions shall apply :

(a) No such assistant shall be employed for more than sixty-five hours in any week, exclusive of meal times.

(b) Provision shall be made for securing to every such assistant—

(i.) Thirty-two whole holidays on a week-day in every year, of which at least two shall be given within the currency of each month, and which shall comprise a holiday on full pay of not less than six consecutive days ;

(ii.) Twenty-six whole holidays on Sunday in every year, so distributed that at least one out of every three consecutive Sundays shall be a whole holiday :

Provided that two half-holidays on a week-day shall be deemed equivalent to one whole holiday on a week-day.

(c) Intervals for meals shall be allowed to every such assistant amounting on a half-holiday to not less than three-quarters of an hour, and on every other day to not less than two hours, and no assistant shall be employed



for more than six hours without being allowed an interval of at least half an hour :

Provided that this provision shall not apply if the only persons employed as such shop-assistants are members of the family of the occupier of the premises maintained by him and dwelling in his house.

(d) The occupier shall affix and constantly maintain in a conspicuous position in the premises a notice in the prescribed form referring to the provisions of this section, and stating the steps taken with a view to compliance therewith.

(2) Where the occupier of any premises has signified as aforesaid that he elects that the foregoing provisions shall apply, and any of those provisions are not complied with, the occupier of the premises shall be guilty of an offence against the Shops Act, 1912, and shall be liable to a fine not exceeding—

(a) In the case of a first offence, one pound ;

(b) In the case of a second offence, five pounds ; and

(c) In the case of a third or subsequent offence, ten pounds.

(3) For the purposes of this section the expression " half-holiday " means a day on which the employment of an assistant ceases not later than three o'clock in the afternoon and on which he is not employed for more than six hours, including meal-time.

(4) A notice under this section may be withdrawn by the occupier of the shop at the expiration of a year from the date when it was given, and thereafter at the expiration of any succeeding year, and upon any such withdrawal Section 1 of the Shops Act, 1912, shall apply to the shop in like manner as before the notice was given.

(5) The Shops Act, 1912, as amended by this Act, shall, in its application to any premises in respect to which a notice under this section is in force, have effect as though the definition of " shop-assistant " included all persons wholly or mainly employed in any capacity at the premises in connexion with the business there carried on.

*Shops Act, 1912. Section 4.—Weekly Half-holiday.*—(1) Every shop shall, save as otherwise provided by this Act, be closed for the serving of customers not later than one o'clock in the afternoon on one week-day in every week.

(2) The local authority may, by order, fix the day on which a shop is to be so closed (in this Act referred to as " the weekly half-holiday "), and any such order may either fix the same day for all shops, or may fix—

(a) Different days for different classes of shops ; or

(b) Different days for different parts of the district ; or

(c) Different days for different periods of the year :

Provided that—

- (i.) Where the day fixed is a day other than Saturday, the order shall provide for enabling Saturday to be substituted for such other day ; and
- (ii.) Where the day fixed is Saturday, the order shall provide for enabling some other day specified in the order to be substituted for Saturday ;

as respects any shop in which notice to that effect is affixed by the occupier, and that no such order shall be made unless the local authority, after making such inquiry as may be prescribed, are satisfied that the occupiers of a majority of each of the several classes of shops affected by the order approve the order.

(3) Unless and until such an order is made affecting a shop, the weekly half-holiday as respects the shop shall be such day as the occupier may specify in a notice affixed in the shop, but it shall not be lawful for the occupier of the shop to change the day oftener than once in any period of three months.

(4) Where the local authority have reason to believe that a majority of the occupiers of shops of any particular class in any area are in favour of being exempted from the provisions of this section, either wholly or by fixing as the closing hour instead of one o'clock some other hour not later than two o'clock, the local authority, unless they consider that the area in question is unreasonably small, shall take steps to ascertain the wishes of such occupiers, and, if they are satisfied that a majority of the occupiers of such shops are in favour of the exemption, or, in the case of a vote being taken, that at least one-half of the votes recorded by the occupiers of shops within the area of the class in question are in favour of the exemption, the local authority shall make an order exempting the shops of that class within the area from the provisions of this section either wholly or to such extent as aforesaid.

(5) Where a shop is closed during the whole day on the occasion of a bank holiday, and that day is not the day fixed for the weekly half-holiday, it shall be lawful for the occupier of the shop to keep the shop open for the serving of customers after the hour at which it is required under this section to be closed either on the half-holiday immediately preceding, or on the half-holiday immediately succeeding, the bank holiday.

(6) This section shall not apply to any shop in which the only trade or business carried on is trade or business of any of the classes mentioned in the 2nd Schedule to this Act, but the local authority may, by order made and revocable in the manner hereinafter provided with respect to closing orders, extend the provisions of this section to shops of any class exempted under this

provision if satisfied that the occupiers of at least two-thirds of the shops of that class approve the order.

(7) In the case of any contravention of or failure to comply with any of the provisions of this section, the occupier of the shop shall be guilty of an offence against this Act, and shall be liable to a fine not exceeding—

(a) In the case of a first offence, one pound ;

(b) In the case of a second offence, five pounds ; and

(c) In the case of a third or subsequent offence, ten pounds :

Provided that the occupier of a shop shall not be guilty of an offence against this Act when a customer is served at any time at which the shop is required to be closed under this section if he proves either that the customer was in the shop before the time when the shop was required to be closed, or that there was reasonable ground for believing that the article supplied to the customer was required in the case of illness.

(8) Nothing in this section shall prevent customers from being served at a time when the shop in which they are sold is required to be closed with victuals, stores, or other necessities for a ship, on her arrival at or immediately before her departure from a port.

*Closing Orders.* Section 5.—(1) An order (in this Act referred to as “ a closing order ”) made by a local authority, and confirmed by the Secretary of State in manner provided by this Act, may fix the hours on the several days of the week at which, either throughout the area of the local authority or in any specified part thereof, all shops or shops of any specified class are to be closed for serving customers.

(2) The hour fixed by a closing order (in this Act referred to as “ the closing hour ”) shall not be earlier than seven o’clock in the evening on any day of the week.

(3) The order may—

(a) Define the shops and trades to which the order applies ; and

(b) Authorise sales after the closing hour in cases of emergency and in such other circumstances as may be specified or indicated in the order ; and

(c) Contain any incidental, supplemental, or consequential provisions which may appear necessary or proper.

(4) Nothing in a closing order shall apply to any shop in which the only trade or business carried on is trade or business of any of the classes mentioned in the 3rd Schedule to this Act.

(5) If any person contravenes the provisions of a closing order, he shall be guilty of an offence against this Act, and liable to a fine not exceeding—

- (a) In the case of a first offence, one pound ;
- (b) In the case of a second offence, five pounds ; and
- (c) In the case of a third or subsequent offence, twenty pounds :

Provided that nothing in this section or in any closing order shall render a person liable to any penalty for serving after the closing hour any customer who was in the shop before the closing hour.

*Procedure for making Orders.* Section 6.—(1) Whenever a local authority are satisfied that a *prima facie* case is made out for making a closing order, the authority shall give public notice in the prescribed manner and in the prescribed form of their intention to make an order, specifying therein a period (not being less than the prescribed period) within which objections may be made to the making of the proposed order, and, if after taking into consideration any objections they may have received the local authority are satisfied that it is expedient to make the order and that the occupiers of at least two-thirds in number of the shops to be affected by the order approve the order, they may make the order.

(2) Notice of the provisions of the order shall be given, and copies thereof shall be supplied in the prescribed manner, and the order shall be submitted to the Secretary of State, and the Secretary of State shall consider any objections to the order, and may either disallow the order or confirm the order with or without amendment.

(3) As soon as the Secretary of State has confirmed any order, the order shall become final and have the effect of an Act of Parliament :

Provided that every closing order shall be laid before each House of Parliament as soon as may be after it is confirmed, and, if an address is presented to His Majesty by either House within the next subsequent forty days on which that House has sat after any such order is laid before it praying that the order may be cancelled, His Majesty in Council may annul the order, and any order so annulled shall thenceforth become void and of no effect, but without prejudice to any proceedings which may in the meantime have been taken under the order and without prejudice to the power of making any new closing order.

*Local Inquiries.* Section 7.—(1) Where it appears to the Secretary of State, on the representation of the local authority or a joint representation from a substantial number of occupiers of shops and shop assistants in the area of the local authority, that it is expedient to ascertain the extent to which there is a demand for early closing in any locality, and to promote and facilitate the making of a closing order therein, the Secretary

of State may appoint a competent person to hold a local inquiry.

(2) If, after holding such an inquiry and conferring with the local authority, it appears to the person holding the inquiry that it is expedient that a closing order should be made, he shall prepare a draft order and submit it to the Secretary of State, together with his report thereon.

(3) If the Secretary of State, after considering the draft order and report, and any representations which the local authority may have made in respect thereof, is of opinion that it is desirable that a closing order should be made, he may communicate his decision to the local authority, and thereupon there shall be deemed to be a *prima facie* case for making a closing order in accordance with the terms of the draft order, subject to such modifications (if any) as the Secretary of State may think fit.

(4) The person who held the inquiry shall, if so directed by the Secretary of State on the application of the local authority, assist and co-operate with the local authority in taking the steps preliminary to making the order.

*Revocation of Closing Orders.* Section 8.—The Secretary of State may, at any time on the application of the local authority, revoke a closing order either absolutely or so far as it affects any particular class of shops, and, if at any time it is made to appear to the satisfaction of the local authority that the occupiers of a majority of any class of shops to which a closing order applies are opposed to the continuance of the order, the local authority shall apply to the Secretary of State to revoke the order in so far as it affects that class of shops, but any such revocation shall be without prejudice to the making of any new closing order.

*Trading elsewhere than in Shops.* Section 9.—It shall not be lawful in any locality to carry on in any place not being a shop retail trade or business of any class at any time when it would be unlawful in that locality to keep a shop open for the purposes of retail trade or business of that class, and, if any person carries on any trade or business in contravention of this section, this Act shall apply as if he were the occupier of a shop and the shop were being kept open in contravention of this Act :

Provided that—

(a) The prohibition imposed by this section shall, as respects any day other than the weekly half-holiday, be subject to such exemptions and conditions (if any) as may be contained in closing orders ; and

(b) Nothing in this section shall be construed as preventing a barber or hairdresser from attending a customer in

- the customer's residence, or the holding of an auction sale of private effects in a private dwelling-house ; and
- (c) Nothing in this section shall apply to the sale of newspapers.

*Shops where more than one Business is carried on. Section 10.—*

(1) Where several trades or businesses are carried on in the same shop, and any of those trades or businesses is of such a nature that, if it were the only trade or business carried on in the shop, the shop would be exempt from the obligation to be closed on the weekly half-holiday, the exemption shall apply to the shop so far as the carrying on of that trade or business is concerned, subject, however, to such conditions as may be prescribed.

(2) Where several trades and businesses are carried on in the same shop and any of those trades or businesses are of such a nature that if they were the only trades or businesses carried on in the shop a closing order would not apply to the shop, the shop may be kept open after the closing hour for the purposes of those trades and businesses alone, but on such terms and under such conditions as may be specified in the order.

(3) Where several trades or businesses are carried on in the same shop, the local authority may require the occupier of the shop to specify which trade or business he considers to be his principal trade or business, and no trade or business other than that so specified shall, for the purpose of determining a majority under this Act, be considered as carried on in the shop unless the occupier of the shop satisfies the local authority that it forms a substantial part of the business carried on in the shop.

*Holiday Resorts. Section 11.—*(1) In places frequented as holiday resorts during certain seasons of the year the local authority may by order suspend, for such period or periods as may be specified in the order, not exceeding in the aggregate four months in any year, the obligation imposed by this Act to close shops on the weekly half-holiday.

(2) Where the occupier of any shop in any place in which any such order of suspension is in force satisfies the local authority that it is the practice to allow all his shop assistants a holiday on full pay of not less than two weeks in every year, and keeps affixed in his shop a notice to that effect, the requirement that on one day in each week a shop assistant shall not be employed after half-past one o'clock shall not apply to the shop during such period or periods as aforesaid.

*Post Office Business. Section 12.—*(1) Where Post Office business is carried on in any shop in addition to any other business, this Act shall apply to that shop subject to the following modifications :—



(a) If the shop is a telegraph office, the obligation to close on the weekly half-holiday shall not apply to the shop so far as relates to the transaction of Post Office business thereat :

(b) Where the Postmaster-General certifies that the exigencies of the postal service require that Post Office business should be transacted in any such shop at times when under the provisions of this Act relating to the weekly half-holiday the shop would be required to be closed, or under conditions not authorised by Section 1 of this Act, the shop shall, for the purpose of the transaction of Post Office business, be exempted from the provisions of this Act to such extent as the Postmaster-General may certify to be necessary for the purpose :

Provided that in such cases the Postmaster-General shall make the best arrangements that the exigencies of the postal service allow with a view to the conditions of employment of the persons employed being on the whole not less favourable than those secured by this Act :

(c) The provisions contained in any closing order imposing terms or conditions on the keeping open of any such shop after the closing hour for the transaction of Post Office business shall be subject to the approval of the Postmaster-General.

(2) Save as aforesaid, nothing in this Act shall apply to Post Office business, or to any premises in which Post Office business is transacted.

*Enforcement of Act.* Section 13.—(1) It shall be the duty of every local authority to enforce within their district the provisions of this Act, and of the orders made thereunder or under any enactment repealed by this Act, and for that purpose to institute and carry on such proceedings in respect of failures to comply with or contraventions of this Act and such orders as aforesaid as may be necessary to secure the observance thereof, and to appoint inspectors ; and an inspector so appointed shall, for the purposes of his powers and duties, have in relation to shops all the powers conferred in relation to factories and workshops on inspectors by Section 119 of the Factory and Workshop Act, 1901, and that section and Section 121 of the same Act shall apply accordingly ; and an inspector may, if so authorised by the local authority, institute and carry on any proceedings under this Act on behalf of the authority.

(2) In this Act the expression " local authority " means—

As respects the city of London, the Common Council ;

As respects any municipal borough, the Council of the borough ;

As respects any urban district with a population according to the returns of the last published census for the time being of twenty thousand or upward, the District Council ;

Elsewhere, the County Council :

Provided that a County Council may, with the approval of the Secretary of State, make arrangements with the Council of an urban district in the county with a population of less than twenty thousand, or with the Council of a rural district, for the exercise by the Council of that district as agents for the County Council, on such terms and subject to such conditions as may be agreed on, of any powers of the County Council under this Act within the district, and the Council of the district may, as part of the agreement, undertake to pay the whole or any part of the expenses incurred in connexion with the exercise of the powers delegated to them, and the London County Council may, with the like approval, make similar arrangements with the Council of any metropolitan borough.

(3) The expenses of a local authority under this Act (including any expenses which a Council undertake to pay as aforesaid), shall be defrayed—

In the case of the Common Council of the city of London, out of the general rate ;

In the case of the Council of a borough, out of the borough fund or borough rate ;

In the case of a District Council, as part of the general expenses incurred in the execution of the Public Health Acts ;

In the case of a County Council, as expenses for special county purposes ;

In the case of a metropolitan borough Council, as part of the expenses of the Council.

*Offences. Section 14.*—(1) All offences against this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1901, and Sections 143 to 146 of that Act, and so much of Section 147 thereof as relates to evidence respecting the age of any person, so far as those provisions are applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto :

Provided that all fines imposed in any proceedings instituted by or on behalf of a local authority in pursuance of their powers and duties under this Act shall be paid to the local authority, and carried to the credit of the fund out of which the expenses incurred by the authority under this Act are defrayed.

(2) Where an offence for which the occupier of a shop is liable under this Act, has, in fact, been committed by some manager,



agent, servant, or other person, the manager, agent, servant, or other person shall be liable to the like penalty as if he were the occupier.

(3) Where the occupier of a shop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge ; and if, after the commission of the offence has been proved, he proves to the satisfaction of the Court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

*Second Schedule (Trades and Businesses exempted from the Provisions as to Weekly Half-Holiday) :*

The sale by retail of intoxicating liquors.

The sale of refreshments, including the business carried on at a railway refreshment room.

The sale of motor, cycle, and air-craft supplies and accessories to travellers.

The sale of newspapers and periodicals.

The sale of meat, fish, milk, cream, bread, confectionery, fruit, vegetables, flowers, and other articles of a perishable nature.

The sale of tobacco and smokers' requisites.

The business carried on at a railway bookstall on or adjoining a railway platform.

The sale of medicines and medical and surgical appliances.

Retail trade carried on at an exhibition or show, if the local authority certify that such retail trade is subsidiary or ancillary only to the main purpose of the exhibition or show.

*Third Schedule (Trades and Businesses exempted from Provisions of Closing Orders) :*

The sale by retail of intoxicating liquors.

The sale of refreshments for consumption on the premises.

The business carried on at a railway refreshment room.

The sale of newspapers.

The sale of tobacco and smokers' requisites.

The business carried on at a railway bookstall.

The sale of medicines and medical and surgical appliances.

Post Office business.

## APPENDIX VII

### (CHAPTER XII.)

#### PARTICULARS OF WORK AND WAGES

##### (a) SCHEDULE TO THE HOSIERY ACT, 1845

If the material to be manufactured be into stockings :

Gauge.	Bound heels or toes.
Ribbed or plain.	Wrought heels or cut.
What kind of material.	Wrought feet or cut.
Size.	Turnings in leg.
Jacks in width.	Welted or not.
Mark.	Weight per dozen.
Length of leg.	Price per dozen of making
Length of foot.	legs.
Narrowings in leg.	Price per dozen of making
Narrowings in heel.	feet.
Narrowings in gusset.	Name of party putting out
Narrowings in toe.	the work.
Dumps or clocks.	Name of artificer.

If the material to be manufactured be into socks :

Gauge.	Narrowings in gusset.
Ribbed or plain.	Narrowings in toe.
What kind of material.	Cut or wrought heels.
Size.	Cut or wrought feet.
Jack in width.	Price per dozen pair.
Mark.	Name of party putting out the
Length of leg with top.	work.
Length of foot.	Name of artificer.
Narrowings in heel.	

If the material to be manufactured be into gloves :

Gauge.	Size.
Ribbed or plain.	Jacks in width of hand.
What kind of material.	Jacks in width of finger.

Mark.	Price per dozen of making hands.
Length of hand.	
Length of finger.	Price per dozen of making fingers.
What kind of welts.	Name of party putting out the work.
Plaited or not.	Name of artificer.
What figure on back of hand.	
Weight per dozen.	

If the material to be manufactured be into shirts :

Gauge.	Welted or not.
Ribbed or plain.	Weight per dozen.
What kind of material.	Price per dozen of making bodies.
Size.	
Jacks in width of body.	Price per dozen of making sleeves.
Jacks in width of sleeve.	Name of party putting out the work.
Mark.	Name of artificer.
Length of body.	
Length of sleeve.	
Fashioned or not.	

If the material to be manufactured be into caps :

Gauge.	Weight per dozen.
Ribbed or plain.	Price per dozen.
Material.	Name of party putting out the work.
Jacks in width.	Name of artificer.
Fashion.	
Striped or plain.	

If the material to be manufactured be into any other description of hosiery :

Gauge.	Fashion.
Length.	Name of party putting out the work.
Width.	Name of artificer.
Weight.	
Price.	

(b) REGULATIONS EXTENDING SECTION 116 OF THE FACTORY AND WORKSHOP ACT, 1901, WITH MODIFICATIONS, TO CERTAIN WORKPLACES AND CLASSES OF PERSONS

(1) *Factories and workshops in which is carried on the making of pens.*

The said section shall be modified so as to read as follows :

The occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done,

and also particulars of the work to which that rate is to be applied, as follows :

- (a) He shall furnish every worker with particulars of the rate of wages applicable to the work to be done, either—
  - (i.) By handing him a written or printed statement of such particulars when the work is given out to him ; or
  - (ii.) By exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible.
- (b) Such particulars of the work to be done as affect the amount of wages payable to each worker shall be furnished to him in writing at the time when the work is given out to him.
- (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

*(2) Factories and workshops in which is carried on the making of locks, latches, and keys, and outworkers employed in the making of locks, latches, and keys, and the occupiers or contractors by whom they are employed.*

The said section shall be modified so as to read as follows :

The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, as follows :

- (a) The particulars of the rate of wages applicable to the work to be done by each worker shall be furnished to him in writing at the time when the work is given out to him, or, in the case of persons employed in a factory or workshop, shall be exhibited in the room in which he is employed on a placard not containing any other matter than the particulars of the rates of wages of persons employed in that room, and posted in a position where it is easily legible by all persons affected thereby.
- (b) Such particulars shall not be expressed by means of symbols.

In this Order the term “ outworker ” means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

*(3) Factories and workshops in which is carried on any of the following classes of work : Making of iron and steel cables and chains ; making of iron and steel anchors and grapnels ; making of cart gear, including swivels, rings, loops, gear buckles, mullin bits, hooks, and attachments of all kinds ; and outworkers employed in those classes of work, and the occupiers or contractors by whom they are employed.*

The said section shall be modified so as to read as follows :

The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

- (a) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either—
  - (i.) By handing him a written or printed statement of such particulars when the work is given out to him ; or
  - (ii.) By supplying him with such particulars in print or in writing at the time of his employment, and on every subsequent occasion when the rates are fixed or altered ; or
  - (iii.) In the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.
- (b) Such particulars of the work to be done or which has been done by each worker as affect the amount of wages payable to him shall be furnished to him in writing, either at the time when the work is given out to him or when it is brought in by him. If he is required to return such written particulars to the occupier or to any other person, a copy thereof shall be furnished to him, which he may retain for his own use.
- (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

In this Order the term “ outworker ” means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

*(4) Factories and workshops in which is carried on the making of felt hats, and outworkers employed in that class of work, and the occupiers or contractors by whom they are employed.*

The said section shall be modified so as to read as follows :

The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

(a) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him,

(i.) By handing him a written or printed statement of such particulars when the work is given out to him ; or

(ii.) In the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

(b) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.

In this Order the term "outworker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

*(5) Non-textile factories and workshops in which any of the following industries are carried on, and outworkers employed in those industries, and the occupiers and contractors by whom they are employed, viz. :*

*The making or repairing of umbrellas, sunshades, parasols, or parts thereof ;*

*The making of artificial flowers ;*

*Fustian cutting ;*

*The making of tents ;*

*The making or repairing of sacks ;*

*The making of rope or twine ;*

*The covering of racquet or tennis balls ;*

*The making of paper bags ;*

*The making of boxes or other receptacles or parts thereof made wholly or partially of paper, cardboard, chip, or similar material ;*  
*The making of brushes ;*  
*Relief stamping ;*  
*Warehouse processes in the manufacture of articles of food, drugs, perfumes, blacking, or other boot and shoe dressings, starch, blue, soda, or soap ;*  
*And any processes incidental to the above.*

The said section shall be modified so as to read as follows :

The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

- (a) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either—
  - (i.) By handing to him such particulars in writing when the work is given out to him ; or
  - (ii.) In the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rate of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.
- (b) Such particulars of the work given out to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.
- (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

In this Order the term "outworker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

*(6) Non-textile factories and workshops in which the making of nets other than wire nets, pea-picking, and any processes incidental thereto are carried on, and outworkers employed in those industries, and the occupiers and contractors by whom they are employed.*

The said section shall be modified so as to read as follows :

The occupier or contractor shall, for the purpose of enabling

each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

(a) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either—

(i.) By handing to him such particulars in writing when the work is given out to him ; or

(ii.) In the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rate of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

(b) Such particulars of the work given out to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him ; provided that where, owing to the nature of the work, any of the said particulars are not ascertainable until the work is completed, those particulars may be furnished in writing when the work is completed.

(c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

In this Order the term “outworker” means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

*(7) Factories and workshops in which the under-mentioned processes or any of them are carried on, and outworkers employed in those processes, and the occupiers or contractors by whom they are employed, viz.: The mixing, casting, and manufacture of brass and of any articles or parts of articles of brass and the electro depositing of brass (including in the term brass any alloy or compound of copper with zinc or tin), except when carried on as a subsidiary process in shipbuilding yards or in marine locomotive or other engine building works, or in general engineering works, or in machine tool works.*

The said section shall be modified so as to read as follows :

The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount



of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

(a) He shall furnish every worker with particulars of the rate of wages applicable to the work done by him, either—

- (i.) By handing him such particulars, in writing, when the work is given out to him ; or
- (ii.) By supplying him with such particulars in writing at the time of his employment, and on every subsequent occasion when the rates are fixed or altered ; or
- (iii.) In the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

Provided that if in any case the work given out is of a novel kind for which no rate of wages has been fixed, and if the employer and workman for the purpose of arriving at a rate for the work so agree, it shall not be necessary for particulars of the rate of wages to be furnished when the work is given out, provided such particulars are furnished to the worker when the work is completed.

- (b) Such particulars of the work given out to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.
- (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols ; but this shall not prevent the occupier or contractor from describing any work which is of a standard kind known to the persons employed by a particular number, letter, or name, by means of such number, letter, or name.

In this Order the term "outworker" means any person employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him, and also any person employed by the occupier of any place from which work is given out, or by a contractor employed by him.

(8) *Factories and workshops in which the under-mentioned pro-*

*cesses, or any of them, are carried on, and outworkers employed in those processes, and the occupiers and contractors by whom they are employed, viz.: The making, altering, ornamenting, finishing, and repairing of wearing apparel, and any work incidental thereto (except any work to which the Felt Hat Particulars Order applies).*

The said section shall be modified so as to read as follows :

The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work given out, and also particulars of the work to which that rate is to be applied, as follows :

- (a) He shall furnish every worker with particulars of the rate of wages applicable to the work given out to him, either—
  - (i.) By furnishing him with a written or printed statement of such particulars when the work is given out to him ; or
  - (ii.) In the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.
- (b) Such particulars of the work given out to each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.
- (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

In this Order the term “ outworker ” means—

(a) Any workman employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him.

(b) Any workman employed by the occupier of any place from which work is given out or by a contractor employed by him in connexion with the said work.

(c) Any contractor employed by the occupier of a factory or workshop on the business of the factory or workshop outside the factory or workshop, or employed by the occupier of a place from which work is given out in connexion with the said work, except a contractor who does not personally do any part of the work which he undertakes.

Provided that in the last-mentioned case a person employing a contractor shall not be liable to a fine for any failure to furnish him with particulars if he shows to the satisfaction of the Court

that he had reasonable ground for believing that the contractor was the occupier of a factory or workshop and that the work given out would be wholly done by persons employed by the contractor and no part thereof by the contractor personally.

*(9) Factories or workshops in which any of the following industries is carried on, viz.: The manufacture of cartridges; the manufacture of tobacco.*

The said section shall be modified so as to read as follows :

(1) The occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the work and rate of wages applicable thereto, as follows :

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him, either on each occasion when the work is given out to him, or at or before the time of his first employment on the work, and on every subsequent occasion when the rates are fixed or altered ; or he shall exhibit such particulars on a placard in the department in which the work is done.

(b) Such particulars of the nature and amount of the work to be done by each worker as affect the amount of wages payable to him shall be furnished in writing at the time when the work is given out to him. Provided that (i.) it shall not be necessary to furnish particulars of the nature of the work where the work is of a standard class which is sufficiently indicated by the materials given out, and which is denoted in a placard exhibited as aforesaid and containing the rate of wage for the work by a description or name sufficiently indicating its nature ; (ii.) if particulars of the amount of work on which the worker is paid are not ascertainable until the work is completed, such particulars shall as soon as practicable after the completion of the work be furnished in writing to the worker or exhibited on a placard in the department in which the work is done.

(2) Where the work is given out to be done in common by a gang of workers the particulars required to be given shall be—

(a) The rate of wages applicable to the work to be done by the gang and the proportions (if fixed by the employer) according to which the wages of the several members of the gang are calculated ;

(b) Such particulars of the work to be done by the gang as affect the amount payable to the gang.

The occupier may, in lieu of furnishing each member of the gang with written particulars of the work, exhibit them on a placard in the department in which the work is to be done.

(3) If the worker is required to return any written particulars or to hand them on with the work to another worker, either (a) a copy shall be furnished to the worker which he may retain for his own use, or (b) a book shall be supplied to the worker in which he may enter such particulars, and such entry shall at the worker's request be examined by the person who receives the work on behalf of the employer, and if found correct, initialled by him.

(4) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(5) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages or of work as the case may be, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

(10) *Bleaching and dyeing works, and factories and workshops or parts thereof in which the printing of cotton cloth is carried on.*

The said section shall be modified so as to read as follows :

(1) The occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the work and rate of wages applicable thereto, as follows :

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him, either on each occasion when the work is given out to him, or at or before the time of his first employment on the work, and on every subsequent occasion when the rates are fixed or altered ; or he shall exhibit such particulars on a placard in the department in which the work is done.

(b) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished in writing at the time when the work is given out to him.

(2) Where the work is given out to be done in common by a gang of workers, the particulars required to be given shall be—

(a) The rate of wages applicable to the work to be done by the gang and the proportions (if fixed by the employer) according to which the wages of the several members of the gang are calculated ;

(b) Such particulars of the work to be done by the gang as affect the amount payable to the gang.

The occupier may, in lieu of furnishing each member of the gang with written particulars of the work, exhibit them on a placard in the department in which the work is to be done.

(3) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(4) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages or of work as the case may be, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

*(11) Factories and workshops or parts thereof in which is carried on the making of iron safes.*

The said section shall be modified so as to read as follows :

(1) The occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him, either on each occasion when the work is given out to him or at or before the time of his first employment, and on every subsequent occasion when the rates are fixed or altered ; or he shall exhibit such particulars on a placard in the department where the work is done.

Provided that if the rates are not ascertainable before the work is given out, the particulars shall be furnished to the worker in writing when the work is completed.

(b) Such particulars of the work given out to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.

(2) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols ; but this shall not prevent the occupier from describing any work which is of a standard kind known to the persons employed by a particular number, letter, or name, by means of such number, letter, or name.

(3) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

*(12) Non-textile factories and workshops or parts thereof in which the under-mentioned classes of work, or any of them, are*

*carried on, and outworkers employed in those classes of work and the occupiers and contractors by whom they are employed, viz. :*

*(a) The making up, ornamenting, finishing, and repairing of table linen, bed linen, or other household linen (including in the term linen articles of cotton or cotton and linen mixtures), and any processes incidental thereto ; (b) the making of curtains and furniture hangings and any processes incidental thereto; (c) processes incidental to the making of lace (except any work to which the Bleaching and Dyeing Particulars Order applies).*

The said section shall be modified so as to read as follows :

(1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work given out, and also particulars of the work to which that rate is to be applied, as follows :

(a) He shall furnish every worker with particulars of the rate of wages applicable to the work given out to him, either—

(i.) By furnishing him with a written or printed statement of such particulars when the work is given out to him ; or

(ii.) In the case of persons employed in a factory or workshop, by exhibiting such particulars in the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

(b) Such particulars of the work given out to each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.

(c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(2) If the worker is required to return any written particulars or to hand them on with the work to another worker, either (a) a copy shall be furnished to the worker which he may retain for his own use, or (b) a book shall be supplied to the worker in which he may enter such particulars ; this book shall be produced by the worker for examination by the person receiving the work on behalf of the employer, who shall initial the entry if found correct.

In this Order the term “ outworker ” means—

(a) Any workman employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him.

(b) Any workman employed by the occupier of any place from which work is given out or by a contractor employed by him in connexion with the said work.

(c) Any contractor employed by the occupier of a factory or workshop on the business of the factory or workshop outside the factory or workshop, or employed by the occupier of a place from which work is given out in connexion with the said work, except a contractor who does not personally do any part of the work which he undertakes.

Provided that in the last-mentioned case a person employing a contractor shall not be liable to a fine for any failure to furnish him with particulars if he shows to the satisfaction of the Court that he had reasonable ground for believing that the contractor was the occupier of a factory or workshop, and that the work given out would be wholly done by persons employed by the contractor and no part thereof by the contractor personally.

*(13) Factories and workshops or parts thereof in which is carried on the making of files, and outworkers employed in that class of work and the occupiers or contractors by whom they are employed.*

The said section shall be modified so as to read as follows :

(1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows :

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him in one of the following ways :

- (i.) By furnishing the worker with such particulars on each occasion when the work is given out to the worker ;
- (ii.) By furnishing the worker at or before the time of his first employment on any class of work with a notice containing the particulars applicable to that class of work, and on every subsequent occasion when new rates are fixed, a further notice stating the new rates and the date from which they are to come into operation. If the worker accidentally loses or destroys his notice, another copy shall be furnished to him by the employer free of charge.
- (iii.) In the case of persons employed in a factory or workshop, by exhibiting such particulars in



the factory or workshop on a placard containing no other matter than the rates of wages applicable to the work done in the factory or workshop, and posted in a position where it is easily legible by the workers.

- (b) Such particulars of the work given out to be done by each worker as affect the amount of wages payable to him shall be furnished to him in writing at the time when the work is given out to him.
- (c) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols ; but this shall not prevent the occupier or contractor from describing any work which is of a standard kind known to the persons employed by a particular number, letter, or name, by means of such number, letter, or name.

(2) If the worker is required to return any written particulars or to hand them on with the work to another worker, either (a) a copy shall be furnished to the worker which he may retain for his own use, or (b) a book shall be supplied to the worker in which he may enter such particulars ; this book shall be produced by the worker for examination by the person receiving the work on behalf of the employer, who shall initial the entry if found correct.

In this Order the term " outworker " means—

(a) Any workman employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him.

(b) Any workman employed by the occupier of any place from which work is given out or by a contractor employed by him in connexion with the said work.

(c) Any contractor employed by the occupier of a factory or workshop on the business of the factory or workshop outside the factory or workshop, or employed by the occupier of a place from which work is given out in connexion with the said work, except a contractor who does not personally do any part of the work which he undertakes.

Provided that in the last-mentioned case a person employing a contractor shall not be liable to a fine for any failure to furnish him with particulars if he shows to the satisfaction of the Court that he had reasonable ground for believing that the contractor was the occupier of a factory or workshop, and that the work given out would be wholly done by persons employed by the contractor and no part thereof by the contractor personally.

*(14) Factories and workshops or parts thereof in which are carried on the manufacture of toy balloons, pouches, and footballs from india-rubber.*



The said section shall be modified so as to read as follows :

(1) The occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the work and rate of wages applicable thereto, as follows :

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him in one of the following ways :

(i.) By furnishing the worker with such particulars on each occasion when the work is given out to the worker ;

(ii.) By furnishing the worker at or before the time of his first employment on any class of work with a notice containing the particulars applicable to that class of work, and on every subsequent occasion when new rates are fixed, a further notice stating the new rates and the date from which they are to come into operation. If the worker accidentally loses or destroys his notice, another copy shall be furnished to him by the employer free of charge ;

(iii.) By exhibiting such particulars on a placard in the department in which the work is done.

(b) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall be furnished in writing at the time when the work is given out to him : provided that if particulars of the amount of work on which the worker is paid are not ascertainable until the work is completed, such particulars shall be furnished in writing to the worker when the work is completed.

(2) If the worker is required to return any written particulars or to hand them on with the work to another worker, either (a) a copy shall be furnished to the worker which he may retain for his own use, or (b) a book shall be supplied to the worker in which he may enter such particulars ; this book shall be produced by the worker for examination by the person receiving the work on behalf of the employer, who shall initial the entry if found correct.

(3) The particulars, either as to rates of wages or as to work, shall not be expressed by means of symbols.

(4) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

**(15) *Factories and workshops which are laundries.***

The said section shall be modified so as to read as follows :

(1) The occupier shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the work and rate of wages applicable thereto, as follows :

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him in one of the following ways :

(i.) By furnishing the worker with such particulars on each occasion when the work is given out to the worker ;

(ii.) By furnishing the worker at or before the time of his first employment on any class of work with a notice containing the particulars applicable to that class of work, and on every subsequent occasion when new rates are fixed, a further notice stating the new rates and the date from which they are to come into operation. If the worker accidentally loses or destroys his notice, another copy shall be furnished to him by the employer free of charge ;

(iii.) By exhibiting such particulars on a placard in the department in which the work is done.

(b) Such particulars of the nature and amount of the work to be done by each worker as affect the amount of wages payable to him shall be furnished in writing at the time when the work is given out to him. Provided that (i.) it shall not be necessary to furnish particulars of the nature of the work where the work is of a standard class which is sufficiently indicated by the materials given out, and which is denoted in a placard exhibited as aforesaid and containing the rate of wage for the work by a description or name sufficiently indicating its nature ; (ii.) if particulars of the amount of work on which the worker is paid are not ascertainable until the work is completed, such particulars shall be furnished in writing to the worker when the work is completed.

(2) If the worker is required to return any written particulars or to hand them on with the work to another worker, either (a) a copy shall be furnished to the worker which he may retain for his own use, or (b) a book shall be supplied to the worker in which he may enter such particulars ; this book shall be produced by the worker for examination by the person receiving the work

on behalf of the employer, who shall initial the entry if found correct.

(3) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(4) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages or of work as the case may be, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

*(16) Factories and workshops in which the under-mentioned processes, or any of them, are carried on, and outworkers employed in those processes and the occupiers and contractors by whom they are employed, viz.: The manufacture of chocolates or sweetmeats, and any work incidental thereto.*

The said section shall be modified so as to read as follows :

(1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the work and rate of wages applicable thereto, as follows :

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him in one of the following ways :

(i.) By furnishing the worker with such particulars on each occasion when the work is given out to the worker ;

(ii.) By furnishing the worker at or before the time of his first employment on any class of work with a notice containing the particulars applicable to that class of work, and on every subsequent occasion when new rates are fixed, a further notice stating the new rates and the date from which they are to come into operation. If the worker accidentally loses or destroys his notice, another copy shall be furnished to him by the employer free of charge ;

(iii.) By exhibiting in the case of persons employed in a factory or workshop such particulars on a placard in the department where the work is done.

(b) Such particulars of the nature and amount of the work to be done by each worker as affect the amount of wages payable to him shall be furnished in writing at the time when the work is given out to him. Provided

that in the case of persons employed in a factory or workshop (i.) it shall not be necessary to furnish particulars of the nature of the work where the work is of a standard class which is sufficiently indicated by the materials given out, and which is denoted in a placard exhibited as aforesaid and containing the rate of wage for the work by a description or name sufficiently indicating its nature ; (ii.) if particulars of the amount of work on which the worker is paid are not ascertainable until the work is completed, such particulars shall, as soon as practicable after the completion of the work, be furnished in writing to the worker or exhibited on a placard in the department in which the work is done.

(2) Where the work is given out to be done in common by a gang of workers the particulars required to be given shall be—

(a) The rate of wages applicable to the work to be done by the gang and the proportions (if fixed by the employer) according to which the wages of the several members of the gang are calculated ;

(b) Such particulars of the work to be done by the gang as affect the amount payable to the gang.

The occupier may, in lieu of furnishing each member of the gang with written particulars of the work, exhibit them on a placard in the department in which the work is to be done.

(3) If the worker is required to return any written particulars or to hand them on with the work to another worker, either (a) a copy shall be furnished to the worker which he may retain for his own use, or (b) a book shall be supplied to the worker in which he may enter such particulars ; this book shall be produced by the worker for examination by the person receiving the work on behalf of the employer, who shall initial the entry if found correct.

(4) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(5) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages or of work as the case may be, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

In this Order the term " outworker " means—

(a) Any workman employed in the business of a factory or workshop outside the factory or workshop, whether directly by the occupier thereof or by any contractor employed by him.

(b) Any workman employed by the occupier of any place from

which work is given out or by a contractor employed by him in connexion with the said work.

- (c) Any contractor employed by the occupier of a factory or workshop on the business of the factory or workshop outside the factory or workshop, or employed by the occupier of a place from which work is given out in connexion with the said work, except a contractor who does not personally do any part of the work which he undertakes.

*(17) Non-textile factories and workshops which are shipbuilding yards so far as concerns the work of persons employed in the building or repairing of a ship.*

The said section shall be modified so as to read as follows :

(1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the work and rate of wages applicable thereto, as follows :

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him at or before the time of his first employment on the work and on every subsequent occasion when the rates are fixed or altered ; or he shall exhibit such particulars on a placard in the factory or workshop. Provided that if the rates are not ascertainable before the work is given out, the particulars shall be furnished to the worker in writing when the work is completed.

(b) Such particulars of the work done as affect the amount of wages payable to each worker shall be furnished to him in writing when the work is completed.

(2) Where the work is done in common by a gang of workers it shall be sufficient if the particulars of the work done by the gang and of the rate of wages applicable thereto are furnished to the member of the gang to whom the wages of the gang are paid by the employer.

(3) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols.

(4) Any placard exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages, and shall be affixed in such a position as to be easily read by all persons to whose work the particulars relate.

*(18) Non-textile factories and workshops in which iron or steel founding is carried on, so far as concerns the work of all persons employed as moulders.*

The said section shall be modified so as to read as follows :

(1) The occupier or contractor shall, for the purpose of enabling each worker who is paid by the piece to compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the work and rate of wages applicable thereto, as follows :

(a) He shall furnish every worker with written particulars of the rate of wages applicable to the work done by him at or before the time of his first employment on the work and on every subsequent occasion when the rates are fixed or altered ; or he shall exhibit such particulars in a placard or book in the factory or workshop. Provided that if the rates are not ascertainable before the work is given out, the particulars shall be furnished to the worker in writing when the work is completed.

(b) Such particulars of the work to be done as affect the amount of wages payable to each worker shall be furnished to him in writing when the work is given out ; or, at the option of the employer, such particulars as aforesaid of work done may be furnished in writing at or before the time when payment is made for such work.

(2) Where the work is done in common by a gang of workers it shall be sufficient if the particulars of the work done by the gang and of the rate of wages applicable thereto are furnished to the member of the gang to whom the wages of the gang are paid by the employer ; or, when the share of each member is paid direct to him by the employer, to the leader of the gang, but in the last-mentioned case the particulars furnished of the rate of wages shall include particulars of the proportion according to which the shares of the several members of the gang are calculated.

(3) The particulars, either as to rate of wages or as to work, shall not be expressed by means of symbols ; but this shall not prevent the occupier or contractor from describing any work which is of a standard kind known to the persons employed by a particular figure, number, letter or name, or combination thereof, by means of such figure, number, letter or name, or combination thereof.

(4) Any placard or book exhibited in pursuance of the foregoing provisions shall contain no other matter than particulars of rates of wages, and shall be affixed or kept as the case may be in such a position as to be easily accessible to and read by all persons to whose work the particulars relate.

## APPENDIX VIII

### (CHAPTER XIII.)

#### THE GENERAL PROVISIONS OF THE FACTORY AND WORKSHOP ACT, 1901

##### (a) SPECIAL EXCEPTIONS AS TO LIMEWASHING, ETC. (UNDER SECTION I OF THE ACT)

(I.) By Special Order (S. R. & O., 1903, No. 934) certain factories and workshops, the character of which is apparent from the list given below, are excepted on certain conditions from the requirements of Section 1 of the Factory and Workshop Act as to limewashing and washing, except as to mess-rooms, engine-houses, fitting shops, or sanitary conveniences. In individual cases the Inspector may by written notice require the occupier to limewash the premises.

If 500 cubic feet of space are provided for each person employed therein then the following factories and parts of factories are excepted :

Blast furnaces.

Iron mills.

Copper mills.

Stone, slate, and marble works.

Brick and tile works in which unglazed bricks or tiles are made.

Cement works.

Chemical works.

Gas works.

Flax scutch mills in which neither children nor young persons are employed.

Sugar factories.

The following parts of factories :

Rooms used for the storage of articles, and not for the constant carrying on therein of any manufacturing process.

Parts in which dense steam is continuously evolved in the process of manufacture.

Parts in which pitch, tar, or like material is used, except in brush works.

Parts in which unpainted or unvarnished wood is manufactured.

The part of a glass factory known as the glass house.

Parts in which there are no glazed windows in the walls or roof.

Walls, or tops of rooms, which are made of glazed bricks, tiles, glass, slate, marble, or galvanised iron, on condition that they are washed with water and soap once at least within every fourteen months.

Tops of rooms which are at least 20 feet from the floor.

Tops of rooms :

- (1) In print works, bleach works, or dye works, with the exception of finishing rooms or warehouses ; or
- (2) In grist mills ; or
- (3) In works in which are carried on the processes of—  
Agricultural implement making ;  
Coach making ;  
Engraving ;  
Manufacture of starch, soap, candles ;  
Salting, tanning, or dressing of hides and skins.

If 2500 cubic feet of space are provided for each person employed therein then the following works, factories, and foundries are excepted :

Shipbuilding works.

Gun factories.

Engineering works.

Electric generating works.

Frame dressing-rooms of lace factories.

Foundries other than foundries in which brass casting is carried on.

(II.) By Special Order (S. R. & O., 1912, No. 404) the following special exception has been granted to parts of factories which are rooms in which lace-making by machine is carried on :

The period within which the inside walls and ceilings or tops of such rooms are required (if they have not been painted with oil, or varnished, once at least within seven years) to be limewashed shall be twenty-six months, to date from the time when they were last limewashed.

Provided that—

- (1) The special exception shall not apply to any room which does not afford clear 800 cubic feet for each person employed therein ;
- (2) The inside walls and ceilings or tops of such rooms shall be thoroughly swept at a date not less than ten months nor more than fourteen months from the time when they were last limewashed, and the date of such sweeping shall be recorded in the General Register ;



- (3) Nothing in this Order shall be taken to affect the obligation of keeping the factory in a cleanly state, as prescribed by Subsection (1) of the said section ;
- (4) If it appear to an inspector that any part of a factory to which the exception applies is not in a cleanly state, he may, by written notice, require the occupier to limewash the same ; and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, the special exception shall cease to apply to such part of a factory.

**(b) FORMAL INVESTIGATION OF ACCIDENTS**  
**(SECTION 22 OF THE ACT)**

Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the following provisions shall have effect :

- (1) The Secretary of State may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation :
- (2) The person or persons so appointed (hereinafter called " the Court ") shall hold the investigation in open Court in such manner and under such conditions as the Court may think most effectual for ascertaining the causes and circumstances of the accident, and enabling the Court to make the report in this section mentioned.
- (3) The Court shall have for the purpose of the investigation all the powers of a Court of Summary Jurisdiction when acting as a Court in hearing informations for offences against this Act, and all the powers of an Inspector under this Act, and in addition the following powers, namely :
  - (a) Power to enter and inspect any place or building the entry or inspection whereof appears to the Court requisite for the said purpose ;
  - (b) Power, by summons signed by the Court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make ;
  - (c) Power to require the production of all books,

papers, and documents which it considers important for the said purpose ;

- (d) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.
- (4) Persons attending as witnesses before the Court shall be allowed such expenses as would be allowed to witnesses attending before a Court of Record ; and in case of dispute as to the amount to be allowed, the same shall be referred by the Court to a master of one of His Majesty's superior Courts, who on request, signed by the Court, shall ascertain and certify the proper amount of the expenses.
- (5) The Court holding an investigation under this section shall make a report to the Secretary of State, stating the causes of the accident and its circumstances, and adding any observations which the Court thinks right to make.
- (6) All expenses incurred in and about an investigation under this Section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act.
- (7) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a Court holding an investigation under this Section, or prevents or impedes the Court in the execution of its duty, shall for every such offence be liable to a fine not exceeding ten pounds, and in the case of a failure to comply with a requisition for making any return or producing any document, shall be liable to a fine not exceeding ten pounds for every day that such failure continues.

The Secretary of State may cause any special report of an Inspector or any report of a Court under this part of this Act to be made public at such time and in such manner as he may think fit.

(c) RULES FOR THE CONDUCT OF INQUIRIES WITH REGARD TO  
DRAFT REGULATIONS FOR DANGEROUS TRADES (UNDER  
SECTION 81 OF THE ACT)

(1) The inquiry shall be opened at such time and place as may be fixed by the person appointed by the Secretary of State to hold the inquiry (in these rules referred to as "the Commissioner,"), and not less than three weeks' notice of the time

and place so fixed shall be sent by post by him or on his behalf to all persons who have sent to the Secretary of State any objection to the Draft Regulations : Provided that the non-receipt of such notice by any such person shall not invalidate the proceedings or render necessary an adjournment of the inquiry.

(2) The Commissioner may adjourn the inquiry from time to time as he sees fit, and may hold adjourned sittings at any place which he thinks necessary for the convenience of persons who objected to the Draft Regulations.

(3) The Commissioner may give such directions as he thinks necessary as to the order in which the Draft Regulations and the objections thereto shall be considered, and as to the order in which the parties appearing at the inquiry shall be heard.

(4) If any person who has not made objections to the Draft Regulations in accordance with Section 80 claims to be heard at the inquiry, the Commissioner may require him to state his objection in writing in the manner provided by Section 80 (2).

(5) If the objections to any Draft Regulation made by more than one person appearing at the inquiry appear to the Commissioner to be the same in substance, he may select any person whom he considers representative of the largest number of persons affected by the Draft Regulation to state such objections, and to call evidence (if required) in support of such objections. Any other person making the same objections may be heard subsequently by consent of the Commissioner.

(6) The Commissioner may stop any statement which appears to him to be irrelevant to the Draft Regulation or objection under consideration, or to involve unnecessary repetition of arguments already fully stated.

(7) Subject to the provisions of Section 81, and to the foregoing rules, all the proceedings shall be conducted in such manner as the Commissioner may direct.

(d) REGULATIONS FOR PARTICULAR DANGEROUS TRADES  
(UNDER SECTION 79 OF THE ACT)

(1) *Factories and workshops in which any inflammable solvent is used in the manufacture of felt hats.*

1. Every proofing-room and every stove or drying-room in which an inflammable solvent is evaporated shall be thoroughly ventilated to the satisfaction of the Inspector for the district, so as to carry off as far as possible the inflammable vapour.

2. The number of wet spirit-proofed hat bodies allowed to be in a proofing-room at any one time shall not exceed the proportion of one hat for each 15 cubic feet of air space ; and in no stove, whilst the first drying of any spirit-proofed hats is being

carried on, shall the number of hat bodies of any kind exceed a proportion of one hat for each 12 cubic feet of air space.

A notice stating the dimensions of each such room or stove in cubic feet and the number of spirit-proofed hats allowed to be therein at any one time shall be kept constantly affixed in a conspicuous position.

3. Spirit-proofed hats shall be opened out singly and exposed for one hour before being placed in the stove. This requirement shall not apply in the case of a stove which contains no fire or artificial light capable of igniting inflammable vapour, and which is so constructed and arranged as, in the opinion of the Inspector for the district, to present no risk of such ignition from external fire or light.

4. The above Rules, in so far as they affect drying stoves, shall not apply to the process of drying hat bodies where the solvent is recovered in a closed oven or chamber fitted with safe and suitable apparatus for the condensation of the solvent.

5. No person shall smoke in any room or place in which inflammable solvent is exposed to the air.

These Regulations came into force on the 1st day of October, 1902.

*(2) Factories and workshops (including tenement factories and tenement workshops) or parts thereof in which the process of file-cutting by hand is carried on.*

(Note.—The Chief Inspector of Factories may by certificate in writing exempt from all or any of these Regulations any factory or workshop in which he is satisfied that the beds used are of such composition as not to entail danger to the health of the persons employed.)

1. The number of stocks in any room shall not be more than one stock for every 350 cubic feet of air space in the room ; and in calculating air space for the purpose of this Regulation any space more than 10 feet above the floor of the room shall not be reckoned.

2. After the 1st day of January, 1904, the distance between the stocks measured from the centre of one stock to the centre of the next shall not be less than 2 feet 6 inches, and after the 1st day of January, 1905, the said distance shall not be less than 3 feet.

3. Every room shall have a substantial floor, the whole of which shall be covered with a washable material, save that it shall be optional to leave a space not exceeding 6 inches in width round the base of each stock.

The floor of every room shall be kept in good repair.

4. Efficient inlet and outlet ventilators shall be provided in

every room. The inlet ventilators shall be so arranged and placed as not to cause a direct draught of incoming air to fall on the workmen employed at the stocks.

The ventilators shall be kept in good repair and in working order.

5. No person shall interfere with or impede the working of the ventilators.

6. Sufficient and suitable washing conveniences shall be provided and maintained for the use of the file-cutters. The washing conveniences shall be under cover, and shall comprise at least one fixed basin for every ten or less stocks. Every basin shall be fitted with a waste pipe discharging over a drain or into some receptacle of a capacity at least equal to one gallon for every file-cutter using the basin. Water shall be laid on to every basin either from the main or from a tank of a capacity of not less than  $1\frac{1}{2}$  gallons to every worker supplied from such tank. A supply of clean water shall be kept in the said tank while work is going on at least sufficient to enable every worker supplied from such tank to wash.

7. The walls and ceiling of every room, except such parts as are painted or varnished or made of glazed brick, shall be limewashed once in every six months ending the 30th of June and once in every six months ending the 31st of December.

8. The floor and such parts of the walls and ceiling as are not limewashed and the benches shall be cleansed once a week.

9. If the factory or workshop is situated in a dwelling-house the work of file-cutting shall not be carried on in any room which is used as a sleeping place or for cooking or eating meals.

10. Every file-cutter shall, when at work, wear a long apron reaching from the shoulders and neck to below the knees. The apron shall be kept in a cleanly state.

11. A copy of these Regulations and an Abstract of the provisions of the Factory and Workshop Act, 1901, shall be kept affixed in the factory or workshop in a conspicuous place.

12. It shall be the duty of the occupier to carry out Regulations 1, 2, 3, 4, 5, 6, 7, and 11: except that, in any room in a tenement factory or tenement workshop which is let to more than one occupier, it shall be the duty of the owner to carry out these Regulations, except the last clause of Regulation 6, which shall be carried out by the occupiers.

It shall be the duty of the occupier or occupiers to carry out Regulation 8.

It shall be the duty of the occupier or occupiers and of every workman to observe Regulations 5, 9, and 10.

These Regulations came into force on the 1st day of September, 1903.

*(3) Factories and workshops or parts thereof in which electric accumulators are manufactured.*

In these Regulations "lead process" means pasting, casting, lead burning, or any work involving contact with dry compounds of lead.

Any approval given by the Chief Inspector of Factories in pursuance of these Regulations shall be given in writing, and may at any time be revoked by notice in writing signed by him.

1. Every room in which casting, pasting, or lead burning is carried on shall contain at least 500 cubic feet of air space for each person employed therein, and in computing this air space no height above 14 feet shall be taken into account.

These rooms and that in which the plates are formed shall be capable of through ventilation. They shall be provided with windows made to open.

2. Each of the following processes shall be carried on in such manner and under such conditions as to secure effectual separation from one another and from any other process :

(a) Manipulation of dry compounds of lead ;

(b) Pasting ;

(c) Formation, and lead burning necessarily carried on therewith ;

(d) Melting down of old plates.

Provided that manipulation of dry compounds of lead carried on as in Regulation 5 (b) need not be separated from pasting.

3. The floors of the rooms in which manipulation of dry compounds of lead or pasting is carried on shall be of cement or similar impervious material, and shall be kept constantly moist while work is being done.

The floors of these rooms shall be washed with a hose pipe daily.

4. Every melting pot shall be covered with a hood and shaft so arranged as to remove the fumes and hot air from the work-rooms.

Lead ashes and old plates shall be kept in receptacles specially provided for the purpose.

5. Manipulation of dry compounds of lead in the mixing of the paste or other processes shall not be done except (a) in an apparatus so closed, or so arranged with an exhaust draught, as to prevent the escape of dust into the workroom ; or (b) at a bench provided with (1) efficient exhaust draught and air guide so arranged as to draw the dust away from the worker, and (2) a grating on which each receptacle of the compound of lead in use at the time shall stand.

6. The benches at which pasting is done shall be covered with sheet lead or other impervious material, and shall have raised edges.

7. No woman, young person, or child shall be employed in the manipulation of dry compounds of lead or in pasting.

8. (a) A duly qualified medical practitioner (in these Regulations referred to as the "Appointed Surgeon"), who may be the Certifying Surgeon, shall be appointed by the occupier, such appointment, unless held by the Certifying Surgeon, to be subject to the approval of the Chief Inspector of Factories.

(b) Every person employed in a lead process shall be examined once a month by the Appointed Surgeon, who shall have power to suspend from employment in any lead process.

(c) No person after such suspension shall be employed in a lead process without written sanction entered in the Health Register by the Appointed Surgeon. It shall be sufficient compliance with this Regulation for a written certificate to be given by the Appointed Surgeon and attached to the Health Register, such certificate to be replaced by a proper entry in the Health Register at the Appointed Surgeon's next visit.

(d) A Health Register in a form approved by the Chief Inspector of Factories shall be kept, and shall contain a list of all persons employed in lead processes. The Appointed Surgeon will enter in the Health Register the dates and results of his examinations of the persons employed and particulars of any directions given by him. He shall on a prescribed form furnish to the Chief Inspector of Factories on the 1st day of January in each year a list of the persons suspended by him during the previous year, the cause and duration of such suspension, and the number of examinations made.

The Health Register shall be produced at any time when required by H.M. Inspectors of Factories or by the Certifying Surgeon or by the Appointed Surgeon.

9. Overalls shall be provided for all persons employed in manipulating dry compounds of lead or in pasting.

The overalls shall be washed or renewed once every week.

10. The occupier shall provide and maintain :

(a) A cloakroom in which workers can deposit clothing put off during working hours. Separate and suitable arrangements shall be made for the storage of the overalls required in Regulation 9.

(b) A dining-room, unless the factory is closed during meal hours.

11. No person shall be allowed to introduce, keep, prepare, or partake of any food, drink, or tobacco in any room in which a lead process is carried on. Suitable provisions shall be made for the deposit of food brought by the workers.

This Regulation shall not apply to any sanitary drink provided by the occupier and approved by the Appointed Surgeon.



12. The occupier shall provide and maintain for the use of the persons employed in lead processes a lavatory, with soap, nail brushes, towels, and at least one lavatory basin for every five such persons. Each such basin shall be provided with a waste pipe, or the basins shall be placed on a trough fitted with a waste pipe. There shall be a constant supply of hot and cold water laid on to each basin.

Or, in the place of basins the occupier shall provide and maintain troughs of enamel or similar smooth impervious material, in good repair, of a total length of 2 feet for every five persons employed, fitted with waste pipes, and without plugs, with a sufficient supply of warm water constantly available.

The lavatory shall be kept thoroughly cleansed, and shall be supplied with a sufficient quantity of clean towels once every day.

13. Before each meal and before the end of the day's work, at least ten minutes, in addition to the regular meal times, shall be allowed for washing to each person who has been employed in the manipulation of dry compounds of lead or in pasting.

Provided that if the lavatory accommodation specially reserved for such persons exceeds that required by Regulation 12, the time allowance may be proportionately reduced, and that if there be one basin or 2 feet of trough for each such person this Regulation shall not apply.

14. Sufficient bath accommodation shall be provided for all persons engaged in the manipulation of dry compounds of lead or in pasting, with hot and cold water laid on, and a sufficient supply of soap and towels.

This rule shall not apply if, in consideration of the special circumstances of any particular case, the Chief Inspector of Factories approves the use of local public baths when conveniently near, under the conditions (if any) named in such approval.

15. The floors and benches of each workroom shall be thoroughly cleansed daily, at a time when no other work is being carried on in the room.

16. All persons employed in lead processes shall present themselves at the appointed times for examination by the Appointed Surgeon as provided in Regulation 8.

No person after suspension shall work in a lead process, in any factory or workshop in which electric accumulators are manufactured, without written sanction entered in the Health Register by the Appointed Surgeon.

17. Every person employed in the manipulation of dry compounds of lead or in pasting shall wear the overalls provided under Regulation 9. The overalls, when not being worn, and



clothing put off during working hours, shall be deposited in the places provided under Regulation 10.

18. No person shall introduce, keep, prepare, or partake of any food, drink (other than any sanitary drink provided by the occupier and approved by the Appointed Surgeon), or tobacco, in any room in which a lead process is carried on.

19. No person employed in a lead process shall leave the premises or partake of meals without previously and carefully cleaning and washing the hands.

20. Every person employed in the manipulation of dry compounds of lead or in pasting shall take a bath at least once a week.

21. No person shall in any way interfere, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of the dust or fumes, and for the carrying out of these Regulations.

These Regulations came into force on the 1st day of January, 1904.

*(4) The processes of loading, unloading, moving, and handling goods in, on, or at any dock, wharf, or quay, and the processes of loading, unloading, and coaling any ship in any dock, harbour, or canal.*

These Regulations came into force on the 1st of January, 1905, except that so much of Regulations 6 and 8 as required structural alterations came into force on the 1st of January, 1908.

Nothing in Parts 2 to 6 inclusive of these Regulations shall apply to the unloading of fish from a vessel employed in the catching of fish.

The Secretary of State may by Order in writing exempt from all or any of the Regulations and for such time and subject to such conditions as he may prescribe, any docks, wharves, or quays in respect of which application for such exemption shall have been made to him by the Department of Agriculture and Technical Instruction for Ireland or by the Congested Districts Board for Ireland.

In these Regulations :

“ Processes ” means the processes above mentioned, or any of them.

“ Person employed ” means a person employed in the above processes or any of them.

“ Shallow canal ” includes any of the following parts of a canal, canalised river, non-tidal river, or inland navigation :

(a) Any part having no means of access to tidal waters except through a lock not exceeding 90 feet in length ;

(b) Any part not in frequent use for the processes ; and

- (c) Any part at which the depth of water within 15 feet of the edge does not ordinarily exceed 5 feet.

It shall be the duty of the person having the general management and control of a dock, wharf, or quay to comply with Part I. of these Regulations ; provided that if any other person has the exclusive right to occupation of any part of the dock, wharf, or quay, and has the general management and control of such part, the duty in respect of that part shall devolve upon that other person ; and further provided that this part of these Regulations shall not apply to any shallow canal.

It shall be the duty of the owner, master, or officer in charge of a ship to comply with Part II. of these Regulations.

It shall be the duty of the owner of machinery or plant used in the processes, and in the case of machinery or plant carried on board a ship not being a ship registered in the United Kingdom it shall also be the duty of the master of such ship, to comply with Part III. of these Regulations.

It shall be the duty of every person who by himself, his agents, or workmen carries on the processes, and of all agents, workmen, and persons employed by him in the processes, to comply with Part IV. of these Regulations.

It shall be the duty of all persons, whether owners, occupiers, or persons employed, to comply with Part V. of these Regulations.

Part VI. of these Regulations shall be complied with by the persons on whom the duty is placed in that Part.

PART I.—I. The following parts of every dock, wharf, or quay shall, as far as is practicable, having regard to the traffic and working, be securely fenced so that the height of the fence shall be in no place less than 2 feet 6 inches, and the fencing shall be maintained in good condition ready for use.

- (a) All breaks, dangerous corners, and other dangerous parts or edges of a dock, wharf, or quay.

- (b) Both sides of such footways over bridges, caissons, and dock gates as are in general use by persons employed, and each side of the entrance at each end of such footway for a sufficient distance not exceeding 5 yards.

2. Provision for the rescue from drowning of persons employed shall be made and maintained, and shall include :

- (a) A supply of life-saving appliances, kept in readiness on the wharf or quay, which shall be reasonably adequate, having regard to all the circumstances.

- (b) Means at or near the surface of the water at reasonable intervals, for enabling a person immersed to support himself or escape from the water, which shall be reasonably adequate, having regard to all the circumstances.

3. All places in which persons employed are employed at

night, and any dangerous parts of the regular road or way over a dock, wharf, or quay, forming the approach to any such place from the nearest highway, shall be efficiently lighted.

Provided that the towing path of a canal or canalised river shall not be deemed to be "an approach," for the purpose of this Regulation.

PART II.—4. If a ship is lying at a wharf or quay for the purpose of loading or unloading or coaling there shall be means of access for the use of persons employed at such times as they have to pass from the ship to the shore or from the shore to the ship as follows :

(a) Where a gangway is reasonably practicable a gangway not less than 22 inches wide, properly secured, and fenced throughout on each side to a clear height of 2 feet 9 inches by means of upper and lower rails, taut ropes or chains, or by other equally safe means.

(b) In other cases a secure ladder of adequate length.

Provided that nothing in this Regulation shall be held to apply to cargo stages or cargo gangways, if other proper means of access is provided in conformity with these Regulations.

Provided that as regards any sailing vessel not exceeding 250 tons nett registered tonnage and any steam vessel not exceeding 150 tons gross registered tonnage this Regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

5. If a ship is alongside any other ship, vessel, or boat, and persons employed have to pass from one to the other, safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk without the aid of any special appliance.

If one of such ships, vessels, or boats is a sailing barge, flat keel, lighter, or other similar vessel of relatively low freeboard, the means of access shall be provided by the ship which has the higher freeboard.

6. If the depth from the top of the coamings to the bottom of the hold exceeds 6 feet there shall be maintained safe means of access by ladder or steps from the deck to the hold in which work is being carried on, with secure hand-hold and foot-hold continued to the top of the coamings.

In particular such access shall not be deemed to be safe :

(a) Unless the ladders between the lower decks are in the same line as the ladder from the main deck, if the same is practicable, having regard to the position of the lower hatchway or hatchways.

- (b) Unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder sufficient room for a man's feet.
- (c) If there is not room to pass between a winch and the coamings at the place where the ladder leaves the deck.
- (d) If the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway.

7. When the processes are being carried on between one hour after sunset and one hour before sunrise (a) the places in the hold and on the decks where work is being carried on, and (b) the means of access provided in pursuance of Regulations 4 and 5, shall be efficiently lighted, due regard being had to the safety of the ship and cargo, of all persons employed, and of the navigation of other vessels, and to the duly approved Bye-laws or Regulations of any authority having power by statute to make Bye-laws or Regulations subject to approval by some other authority.

8. All iron fore and aft beams and thwart ship beams used for hatchway covering shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

PART III.—9. All machinery and chains and other gear used in hoisting or lowering in connexion with the processes shall have been tested, and shall be periodically examined. All such chains shall be effectually softened by annealing or firing when necessary, and all half-inch or smaller chains in general use shall be so annealed or fired once in every six months.

If the chains are part of the outfit carried by a seagoing ship it shall be a sufficient compliance with this Regulation as regards softening by annealing or firing of half-inch or smaller chains, that no such chains shall be used unless they have been so annealed or fired within six months preceding.

As regards chains, the safe-loads indicated by the test, the date of last annealing, and any other particulars prescribed by the Secretary of State, shall be entered in a register, which shall be kept on the premises, unless some other place has been approved in writing by the Chief Inspector.

10. All motors, cog-wheels, chain and friction-gearing, shafting and live electric conductors used in the processes shall (unless it can be shown that by their position and construction they are equally safe to every person employed as they would be if securely fenced) be securely fenced so far as is practicable without impeding the safe working of the ship and without infringing any requirement of the Board of Trade.

11. The lever controlling the link motion reversing gear of a

crane or winch used in the processes shall be provided with a suitable spring or other locking arrangement.

12. Every shore crane used in the processes shall have the safe-load plainly marked upon it, and if so constructed that the jib may be raised or lowered, either shall have attached to it an automatic indicator of safe-loads or shall have marked upon it a table showing the safe-loads at the corresponding inclinations of the jib.

13. The driver's platform on every crane or tip driven by mechanical power and used in the processes shall be securely fenced, and shall be provided with safe means of access.

14. Adequate measures shall be taken to prevent exhaust steam from any crane or winch obscuring any part of the decks, gangways, stages, wharf, or quay, where any person is employed.

PART IV.—15. No machinery or gear used in the processes, other than a crane, shall be loaded beyond the safe-load; nor a crane, unless secured with the written permission of the owner by plates or chains or otherwise.

No load shall be left suspended from a crane, winch, or other machine unless there is a competent person actually in charge of the machine while the load is so left.

16. A boy under 16 shall not be employed as driver of a crane or winch, or to give signals to a driver, or to attend to cargo falls on winch-ends or winch-bodies.

17. Where in connexion with the processes goods are placed on a wharf or quay other than a wharf or quay on a shallow canal:

(a) A clear passage leading to the means of access to the ship required by Regulation 4 shall be maintained on the wharf or quay; and

(b) If any space is left along the edge of the wharf or quay, it shall be at least 3 feet wide and clear of all obstructions other than fixed structures, plant, and appliances in use.

18. No deck-stage or cargo-stage shall be used in the processes unless it is substantially and firmly constructed, and adequately supported, and, where necessary, securely fastened.

No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.

Any stage which is slippery shall be made safe by the use of sand or otherwise.

19. Where there is more than one hatchway, if the hatchway of a hold exceeding 7 feet 6 inches in depth measured from the top of the coamings to the bottom of the hold is not in use and the coamings are less than 2 feet 6 inches in height, it shall either be fenced to a height of 3 feet, or be securely covered.

Provided that this Regulation shall not apply during meal-times or other temporary interruptions of work during the period of employment.

And provided that until the 1st of January, 1908, the fencing may be the best the circumstances will allow without making structural alteration.

Hatch coverings shall not be used in connexion with the processes in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.

20. No cargo shall be loaded by a fall or sling at any intermediate deck unless a secure landing-platform has been placed across the hatchway at that deck.

PART V.—21. No person shall, unless duly authorised, or in case of necessity, remove or interfere with any fencing, gang-way, gear, ladder, life-saving means or appliances, lights, marks, stages, or other things whatsoever, required by these Regulations to be provided.

22. The fencing required by Regulation 1 shall not be removed except to the extent and for the period reasonably necessary for carrying on the work of the dock or ship, or for repairing any fencing. If removed it shall be restored forthwith at the end of that period by the persons engaged in the work that necessitated its removal.

PART VI.—23. No employer of persons in the processes shall allow machinery or gear to be used by such persons in the processes that does not comply with Part III. of these Regulations.

24. If the persons whose duty it is to comply with Regulations 4, 5, and 7 fail so to do, then it shall also be the duty of the employers of the persons employed for whose use the means of access and the lights are required to comply with the said Regulations within the shortest time reasonably practicable after such failure.

25. The certificate of the ship's register and any other certificate or register referred to in these Regulations shall be produced by the person in charge thereof on the application of any of H.M. Inspectors of Factories.

*(5) Factories or parts thereof in which the process of spinning by means of self-acting mules is carried on.*

1. In these Regulations the term "Minder" means the person in charge of a self-acting mule for the time being.

2. Save as hereinafter provided it shall be the duty of the occupier of a factory to observe Part I. of these Regulations: provided that it shall be the duty of the owner (whether or not he is one of the occupiers) of a tenement factory to observe Part I.

of these Regulations, except so far as relates to such parts of the machinery as are supplied by the occupier.

It shall be the duty of the persons employed to observe Part II. of these Regulations, but it shall be the duty of the occupier, for the purpose of enforcing their observance, to keep a copy of the Regulations in legible characters affixed in every mule room, in a conspicuous position where they may be conveniently read.

**PART I.—3.** After January 1, 1906, the following parts of every self-acting mule shall be securely fenced as far as is reasonably practicable, unless it can be shown that by their position of construction they are equally safe to every person employed as they would be if securely fenced.

- (a) Back shaft scrolls and carrier pulleys and draw band pulleys.
- (b) Front and back carriage wheels.
- (c) Faller stops.
- (d) Quadrant pinions.
- (e) Back of head-stocks, including rim-pulleys and taking-in scrolls.
- (f) Rim band tightening pulleys, other than plate wheels, connected with a self-acting mule erected after January 1st, 1906.

**PART II.—4.** It shall be the duty of the minder of every self-acting mule to take all reasonable care to ensure :

- (a) That no child cleans any part or under any part thereof whilst the mule is in motion by the aid of mechanical power.
- (b) That no woman, young person, or child works between the fixed and traversing parts thereof whilst the mule is in motion by the aid of mechanical power.
- (c) That no person is in the space between the fixed and traversing parts thereof unless the mule is stopped on the outward run.

5. No self-acting mule shall be started or re-started except by the minder or at his express order, nor until he has ascertained that no person is in the space between the fixed and traversing parts thereof.

(6) *Factories and workshops in which the processes of sorting, willeying, washing, and combing and carding wool, goat-hair, and camel-hair and processes incidental thereto are carried on, and in which the materials named in the Schedules are used.*

It shall be the duty of the occupier to comply with Regulations 1 to 16. It shall be the duty of all persons employed to comply with Regulations 17 to 23.

These Regulations came into force on the 1st of January,



1906, except that Regulations 2 and 8 did not come into force until the 1st of April, 1906.

For the purpose of Regulations 2, 3, and 18, opening of wool or hair means the opening of the fleece, including the untying or cutting of the knots, or, if the material is not in the fleece, the opening out for looking over or classing purposes.

1. No bale of wool or hair of the kinds named in the Schedules shall be opened for the purpose of being sorted or manufactured, except by men skilled in judging the condition of the material.

No bale of wool or hair of the kinds named in Schedule A shall be opened except after thorough steeping in water.

2. No wool or hair of the kinds named in Schedule B shall be opened except (a) after steeping in water, or (b) over an efficient opening screen, with mechanical exhaust draught, in a room set apart for the purpose, in which no other work than opening is carried on.

For the purpose of this Regulation no opening screen shall be deemed to be efficient unless it complies with the following conditions :

(a) The area of the screen shall, in the case of existing screens, be not less than 11 square feet, and in the case of screens hereafter erected be not less than 12 square feet, nor shall its length or breadth be less than  $3\frac{1}{2}$  feet.

(b) At no point of the screen within 18 inches from the centre shall the velocity of the exhaust draught be less than 100 linear feet per minute.

3. All damaged wool or hair or fallen fleeces or skin wool or hair, if of the kinds named in the Schedules, shall, when opened, be damped with a disinfectant and washed without being willowed.

4. No wool or hair of the kinds named in Schedules B or C shall be sorted except over an efficient sorting board, with mechanical exhaust draught, and in a room set apart for the purpose, in which no work is carried on other than sorting and the packing of the wool or hair sorted therein.

No wool or hair of the kinds numbered (1) and (2) in Schedule A shall be sorted except in the damp state and after being washed.

No damaged wool or hair of the kinds named in the Schedules shall be sorted except after being washed.

For the purpose of this Regulation no sorting board shall be deemed to be efficient unless it complies with the following conditions :

The sorting board shall comprise a screen of open wirework, and beneath it at all parts a clear space not less than 3 inches in depth. Below the centre of the screen there shall be a funnel, measuring not less than 10 inches across the



top, leading to an extraction shaft, and the arrangements shall be such that all dust falling through the screen and not carried away by the exhaust can be swept directly into the funnel. The draught shall be maintained in constant efficiency whilst the sorters are at work, and shall be such that not less than 75 cubic feet of air per minute are drawn by the fan from beneath each sorting board.

5. No wool or hair of the kinds named in the Schedules shall be willowed except in an efficient willowing machine, in a room set apart for the purpose, in which no work other than willowing is carried on.

For the purpose of this Regulation, no willowing machine shall be deemed to be efficient unless it is provided with mechanical exhaust draught so arranged as to draw the dust away from the workmen and prevent it from entering the air of the room.

6. No bale of wool or hair shall be stored in a sorting room, nor any wool or hair except in a space effectually screened off from the sorting room.

No wool or hair shall be stored in a willowing room.

7. In each sorting room, and exclusive of any portion screened off, there shall be allowed an air space of at least 1000 cubic feet for each person employed therein.

8. In each room in which sorting, willowing, or combing is carried on, suitable inlets from the open air, or other suitable source, shall be provided and arranged in such a way that no person employed shall be exposed to a direct draught from any air inlet or to any draught at a temperature of less than 50° F.

The temperature of the room shall not, during working hours, fall below 50° F.

9. All bags in which wool or hair of the kinds named in the Schedules has been imported shall be picked clean and not brushed.

10. All pieces of skin, scab, and clippings or shearlings shall be removed daily from the sorting room, and shall be disinfected or destroyed.

11. The dust carried by the exhaust draught from opening screens, sorting boards, willowing or other dust extracting machines and shafts shall be discharged into properly constructed receptacles, and not into the open air.

Each extracting shaft and the space beneath the sorting boards and opening screens shall be cleaned out at least once in every week.

The dust collected as above, together with the sweepings from the opening, sorting, and willowing rooms, shall be removed at least twice a week and burned.

The occupier shall provide and maintain suitable overalls and

respirators, to be worn by the persons engaged in collecting and removing the dust.

Such overalls shall not be taken out of the works or warehouse, either for washing, repairs, or any other purpose, unless they have been steeped overnight in boiling water or a disinfectant.

12. The floor of every room in which opening, sorting, or willowing is carried on shall be thoroughly sprinkled daily with a disinfectant solution after work has ceased for the day, and shall be swept immediately after sprinkling.

13. The walls and ceilings of every room in which opening, sorting, or willowing is carried on shall be limewashed at least once a year, and cleansed at least once within every six months, to date from the time when they were last cleansed.

14. The following requirements shall apply to every room in which unwashed wool or hair of the kinds named in the Schedules after being opened for sorting, manufacturing, or washing purposes is handled or stored :

- (a) Sufficient and suitable washing accommodation shall be provided outside the rooms and maintained for the use of all persons employed in such rooms. The washing conveniences shall comprise soap, nail brushes, towels, and at least one basin for every five persons employed as above, each basin being fitted with a waste pipe and having a constant supply of water laid on.
- (b) Suitable places shall be provided outside the rooms in which persons employed in such rooms can deposit food and clothing put off during working hours.
- (c) No person shall be allowed to prepare or partake of food in any such room. Suitable and sufficient meal-room accommodation shall be provided for workers employed in such rooms.
- (d) No person having any open cut or sore shall be employed in any such room.

The requirements in paragraph (c) shall apply also to every room in which any wool or hair of the kinds named in the Schedules is carded or stored.

15. Requisites for treating scratches and slight wounds shall be kept at hand.

16. The occupier shall allow any of H.M. Inspector of Factories to take at any time, for the purpose of examination, sufficient samples of any wool or hair used on the premises.

17. No bale of wool or hair of the kinds named in the Schedules shall be opened otherwise than as permitted by paragraph 1 of Regulation 1, and no bale of wool or hair of the kinds named in Schedule A shall be opened except after thorough steeping in water.

If on opening a bale any damaged wool or hair of the kinds named in the Schedules is discovered, the person opening the bale shall immediately report the discovery to the foreman.

18. No wool or hair of the kinds named in Schedule B shall be opened otherwise than as permitted by Regulation 2.

19. No wool or hair of the kinds named in the Schedules shall be sorted otherwise than as permitted by Regulation 4.

20. No wool or hair of the kinds named in the Schedules shall be willowed except as permitted by Regulation 5.

21. Every person employed in a room in which unwashed wool or hair of the kinds named in the Schedules is stored or handled shall observe the following requirements :

(a) He shall wash his hands before partaking of food or leaving the premises.

(b) He shall not deposit in any such room any article of clothing put off during working hours.

He shall wear suitable overalls while at work, and shall remove them before partaking of food or leaving the premises.

(c) If he has any open cut or sore, he shall report the fact at once to the foreman, and shall not work in such a room.

No person employed in any such room or in any room in which wool or hair of the kinds named in the Schedule is either carded or stored shall prepare or partake of any food therein, or bring any food therein.

22. Persons engaged in collecting or removing dust shall wear the overalls as required by Regulation 11.

Such overalls shall not be taken out of the works or warehouse either for washing, repairs, or any other purpose, unless they have been steeped overnight in boiling water or a disinfectant.

23. If any fan or any other appliance for the carrying out of these Regulations is out of order, any workman becoming aware of the defect shall immediately report the fact to the foreman.

#### *Schedule A*

(Wool or hair required to be steeped in the bale before being opened.)

1. Van Mohair.

2. Persian Locks.

3. Persian or so-called Persian (including Karadi and Bagdad) if not subjected to the process of sorting or willowing.

#### *Schedule B*

(Wool or hair required to be opened either after steeping or over an efficient opening screen.)

Alpaca.

Pelitan.

East Indian Cashmere.

Russian Camel Hair.

Pekin Camel Hair.

Persian or so-called Persian (including Karadi and Bagdad) if subjected to the process of sorting or willowing.

*Schedule C*

(Wool or hair not needing to be opened over an opening screen, but required to be sorted over a board provided with downward draught.)

All Mohair other than Van Mohair.

NOTE

The danger against which these Regulations are directed is that of anthrax—a fatal disease affecting certain animals, which may be conveyed from them to man by the handling of wools or hairs from animals which have died of the disease. The germs of the disease (anthrax spores) are found in the dust attaching to the wool, or in the excrement, and in the substance of the pieces of skin, and may remain active for years. In this country and Australia anthrax is rare, consequently there is little danger in handling wools from the sheep of these two countries; but in China, Persia, Turkey, Russia, the East Indies, and in many other parts of the world, the disease is common, and infected fleeces or locks (which may not differ from others in appearance) are often shipped to Great Britain. Hence, in handling foreign dry wools and hair, the above Regulations should be carefully observed. Greasy wools are comparatively free from dust, and therefore little risk is incurred in handling them. The disease is communicated to man sometimes by breathing or swallowing the dust from these wools or hair, and sometimes by the poison lodging in some point where the skin is broken, such as a fresh scratch or cut, or a scratched pimple, or even chapped hands. This happens more readily on the uncovered parts of the body, the hand, arm, face, and most frequently of all, on the neck, owing either to infected wool rubbing against the bare skin, or to dust from such wool alighting on the raw surface. But a raw surface covered by clothing is not free from risk, for dust lodging upon the clothes may sooner or later work its way to the skin beneath. Infection may also be brought about by rubbing or scratching a pimple with hand or nail carrying the anthrax poison. Use of the nail-brush and frequent washing and bathing of the whole body, especially of the arms, neck, and head, will lessen the chance of contracting anthrax.

The first symptom of anthrax is usually a small inflamed swelling like a pimple or boil—often quite painless—which extends, and in a few days becomes black at the centre, and surrounded by other “pimples.” The poison is now liable to be absorbed into the system, and will cause risk of life, which can be avoided only by prompt and effective medical treatment in the early stage, while the poison is still confined to the pimple. Hence, it is of the utmost

importance that a doctor should be *at once* consulted if there is any suspicion of infection.

*(7) Factories in which the processes of spinning and weaving flax and tow and the processes incidental thereto are carried on, and all workshops in which the processes of roughing, sorting, or hand-hackling of flax or tow are carried on.*

These Regulations came into force on the 1st day of February, 1907.

In these Regulations—

“Degrees” means degrees on the Fahrenheit scale.

“Roughing, sorting, hand-hackling, machine-hackling, carding, and preparing” means those processes in the manufacture of flax or tow.

It shall be the duty of the occupier to observe Part I. of these Regulations. It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.—1. In every room in which persons are employed the arrangements shall be such that during working hours the proportion of carbonic acid in the air of the room shall not exceed 20 volumes per 10,000 volumes of air at any time when gas or oil is used for lighting (or within one hour thereafter) or 12 volumes per 10,000 when electric light is used (or within one hour thereafter) or 9 volumes per 10,000 at any other time.

Provided that it shall be a sufficient compliance with this Regulation if the proportion of carbonic acid in the air of the room does not exceed that of the open air outside by more than 5 volumes per 10,000 volumes of air.

2. In every room in which roughing, sorting, or hand-hackling is carried on, and in every room in which machine-hackling, carding, or preparing is carried on, and in which dust is generated and inhaled to an extent likely to cause injury to the health of the workers, efficient exhaust and inlet ventilation shall be provided to secure that the dust is drawn away from the workers at, or as near as reasonably possible to, the point at which it is generated.

For the purposes of this Regulation, the exhaust ventilation in the case of hand-hackling, roughing, or sorting shall not be deemed to be efficient if the exhaust opening at the back of the hackling pins measures less than 4 inches across in any direction, or has a sectional area of less than 50 square inches, or if the linear velocity of the draught passing through it is less than 400 feet per minute at any point within a sectional area of 50 square inches.

3. In every room in which hand-hackling, roughing, sorting, machine-hackling, carding, or preparing is carried on, an accurate

thermometer shall be kept affixed ; and the arrangements shall be such that the temperature of the room shall not at any time during working hours where hand-hackling, roughing, or machine-hackling is carried on fall below 50 degrees, or where *sorting*, carding, or preparing is carried on below 55 degrees ; and that no person employed shall be exposed to a direct draught from any air inlet, or to any draught at a temperature of less than 50 degrees.

Provided that it shall be a sufficient compliance with this Regulation if the heating apparatus be put into operation at the commencement of work, and if the required temperature be maintained after the expiration of one hour from the commencement of work.

4. In every room in which wet-spinning is carried on, or in which artificial humidity of air is produced in aid of manufacture, a set of standardised wet and dry bulb thermometers shall be kept affixed in the centre of the room or in such other position as may be directed by the Inspector of the district by notice in writing, and shall be maintained in correct working order.

Each of the above thermometers shall be read between 10 and 11 A.M. on every day that any person is employed in the room, and again between 3 and 4 P.M. on every day that any person is employed in the room after 1 P.M., and each reading shall be at once entered on the prescribed form.

The form shall be hung up near the thermometers to which it relates, and shall be forwarded, duly filled in, at the end of each calendar month to the Inspector of the district. Provided that this part of this Regulation shall not apply to any room in which the difference of reading between the wet and dry bulb thermometers is never less than 4 degrees, if notice of intention to work on that system has been given in the prescribed form to the Inspector for the district, and a copy of the notice is kept affixed in the room to which it applies.

5. The humidity of the atmosphere of any room to which Regulation 4 applies shall not at any time be such that the difference between the readings of the wet and dry bulb thermometers is less than 2 degrees.

6. No water shall be used for producing humidity of the air or in wet-spinning troughs which is liable to cause injury to the health of the persons employed or to yield effluvia ; and for the purpose of this Regulation any water which absorbs from acid solution of permanganate of potash in four hours at 60 degrees more than 0.5 grain of oxygen per gallon of water, shall be deemed to be liable to cause injury to the health of the persons employed.

7. Efficient means shall be adopted to prevent the escape of steam from wet-spinning troughs.

8. The pipes used for the introduction of steam into any room in which the temperature exceeds 70 degrees, or for heating the water in any wet-spinning trough, shall, so far as they are within the room and not covered by water, be as small in diameter and as limited in length as is reasonably practicable, and shall be effectively covered with non-conducting material.

9. Efficient splash guards shall be provided and maintained on all wet-spinning frames of 2 $\frac{3}{4}$ -inch pitch and over, and on all other wet-spinning frames, unless waterproof skirts and bibs of suitable material are provided by the occupier and worn by the workers.

Provided that if the Chief Inspector is satisfied with regard to premises in use prior to 30th June, 1905, that the structural conditions are such that splash guards cannot conveniently be used, he may suspend the requirement as to splash guards. Such suspension shall only be allowed by certificate in writing, signed by the Chief Inspector, and shall be subject to such conditions as may be stated in the certificate.

10. The floor of every wet-spinning room shall be kept in sound condition, and drained so as to prevent retention or accumulation of water.

11. There shall be provided for all persons employed in any room in which wet-spinning is carried on, or in which artificial humidity of air is produced in aid of manufacture, suitable and convenient accommodation in which to keep the clothing taken off before starting work, and in the case of a building erected after 30th June, 1905, in which the difference between the readings of the wet and dry bulb thermometers is at any time less than 4 degrees, such accommodation shall be provided in cloak-rooms ventilated and kept at a suitable temperature, and situated in or near the workrooms in question.

12. Suitable and efficient respirators shall be provided for the use of the persons employed in machine-hackling, preparing, and carding.

PART II.—13. All persons employed on wet-spinning frames without efficient splash guards shall wear the skirts and bibs provided by the occupier in pursuance of Regulation 9.

14. No person shall in any way interfere, without the concurrence of the occupier or manager, with the means and appliances provided for ventilation, or for the removal of dust, or for the other purposes of these Regulations.

(8) *The use of locomotives, waggons, and other rolling stock on*



*lines of rail or sidings in any factory or workshop or any place to which the provisions of Section 79 of the Factory and Workshop Act, 1901, are applied by that Act, or on lines of rail or sidings used in connexion with any factory, or workshop, or any place as aforesaid, and not being part of a railway within the meaning of the Railway Employment (Prevention of Accidents) Act, 1900.*

These Regulations came into force on the 1st day of January, 1907, except Regulations 1, 2, and 22, which came into force on the 1st day of January, 1908.

Subject to the exemptions below, it shall be the duty of—

(i.) The Occupier of any factory or workshop and any place to which any of the provisions of the Factory and Workshop Act, 1901, are applied, and

(ii.) The Occupier of any line of rails or sidings used in connexion with a factory or workshop, or with any place to which any of the provisions of the Factory and Workshop Act, 1901, are applied,

to comply with Part I. of these Regulations.

And it shall be the duty of every person who by himself, his agents, or workmen carries on any of the operations to which these Regulations apply, and of all agents, workmen, and persons employed, to comply with Part II. of these Regulations.

And it shall be the duty of every person who by himself, his agents, or workmen carries on any of the operations to which these Regulations apply, to comply with Part III. of these Regulations.

In these Regulations—

Line of rails means a line of rails or sidings for the use of locomotives or waggons, except such lines as are used exclusively for (a) a gantry crane or travelling crane, or (b) any charging machine or other apparatus or vehicle used exclusively in or about any actual process of manufacture.

Wagon includes any wheeled vehicle or non-self-moving crane on a line of rails.

Locomotive includes any wheeled motor on a line of rails used for the movement of waggons and any self-moving crane.

Gantry means an elevated structure of wood, masonry, or metal, exceeding 6 feet in height and used for loading or unloading, which carries a line of rails, whereon waggons are worked by mechanical power.

Nothing in these Regulations shall apply to—

(a) A line of rails of less than 3 feet gauge, and locomotives and waggons used thereon.

(b) A line of rails not worked by mechanical power.



- (c) A line of rails inside a railway goods warehouse.
- (d) A line of rails forming part of a mine within the meaning of the Coal Mines Regulation Act, 1887, or of a quarry within the meaning of the Quarries Act, 1894, not being a line of rails within or used solely in connexion with any factory or workshop not incidental to the maintenance or working of the mine or quarry or to the carrying on of the business thereof.
- (e) Pit banks of mines to which the Metalliferous Mines Regulation Act, 1872, applies, and private lines of rails used in connexion therewith.
- (f) Lines of railways used in connexion with factories or workshops, so far as they are outside the factory or workshop premises, and used for running purposes only.
- (g) Waggon not moved by mechanical power.
- (h) Buildings in course of construction.
- (i) Explosives factories or workshops within the meaning of the Explosives Act, 1875.
- (j) All lines and sidings on or used in connexion with docks, wharves, and quays not forming part of a factory or workshop as defined in Section 149 of the Factory and Workshop Act, 1901.
- (k) Waggon or locomotive building or repairing shops, and all lines and sidings used in connexion with such shops if such shops are in the occupation of a railway company within the meaning of the Regulation of Railways Act, 1871.
- (l) Depots or car-sheds being parts of tramway or light railway undertakings authorised by Parliament, and used for the storage, cleaning, inspection, or repair of tramway cars or light railway cars.

PART I.—1. Point rods and signal wires in such a position as to be a source of danger to persons employed shall be sufficiently covered or otherwise guarded.

2. Ground levers working points shall be so placed that men working them are clear of adjacent lines, and shall be placed in a position parallel to the adjacent lines, or in such other position and be of such form as to cause as little obstruction as possible to persons employed.

3. Lines of rails and points shall be periodically examined and kept in efficient order, having regard to the nature of the traffic.

4. Every gantry shall be properly constructed and kept in proper repair. It shall have a properly fixed structure to act

as a stop-block at any terminal point ; and at every part where persons employed have to work or pass on foot there shall be a suitable footway, and if such footway is provided between a line of rails and the edge of the gantry the same shall, so far as is reasonably practicable, having regard to the traffic and working, be securely fenced at such a distance from the line of rails as to afford a reasonably sufficient space for such persons to pass in safety between the fence and a locomotive waggon or load on the line of rails.

5. Coupling poles or other suitable mechanical appliances shall be provided where required for the purpose of Regulation II.

6. Proper sprags and scotches when required shall be provided for the use of persons in charge of the movement of waggons.

7. Where during the period between one hour after sunset and one hour before sunrise, or in foggy weather, shunting or any operations likely to cause danger to persons employed are frequently carried on, efficient lighting shall be provided either by hand lamps or stationary lights as the case may require at all points where necessary for the safety of such persons.

8. The mechanism of a capstan worked by power and used for the purpose of traction of waggons on a line of rails shall be maintained in efficient condition, and if operated by a treadle, such treadle shall be tested daily before use.

PART II.—9. When materials are placed within 3 feet of a line of rails and persons employed are exposed to risk of injury from traffic by having to pass on foot over them or between them and the line, such material shall, as far as reasonably practicable, be so placed as not to endanger such persons, and there shall be adequate recesses at intervals of not more than 20 yards where the materials exceed that length.

10. No person shall cross a line of rails by crawling or passing underneath a train or waggons thereon where there may be a risk of danger from traffic.

11. Locomotives or waggons shall, wherever it is reasonably practicable without structural alterations, be coupled or uncoupled only by means of a coupling pole or other suitable mechanical appliance, except where the construction of locomotives or waggons is such that coupling or uncoupling can be safely and conveniently performed without any part of a man's body being within the space between the ends or buffers of one locomotive or waggon and another.

12. Sprags and scotches shall be used as and when they are required.

13. Waggons shall not be moved or be allowed to be moved on a line of rails by means of a prop or pole, or by means of towing by a rope or chain attached to a locomotive or waggon

moving on an adjacent line of rails when other reasonably practicable means can be adopted ; provided that this shall not apply to the movement of ladles containing hot material on a line of rails in front of and adjacent to a furnace.

In no case shall props be used for the above purpose unless made of iron, steel, or strong timber hooped with iron to prevent splitting.

14. Where a locomotive pushes more than one waggon, and risk of injury may thereby be caused to persons employed, a man shall, wherever it is safe and reasonably practicable, accompany or precede the front waggon or other efficient means shall be taken to obviate such risk.

Provided that this Regulation shall not apply to the following :

(a) Fly shunting.

(b) Movement of waggons used for conveyance of molten or hot material or other dangerous substance.

15. No person shall be upon the buffer of a locomotive or waggon in motion unless there is a secure handhold, and shall not stand thereon unless there is also a secure footplace ; nor shall any person ride on a locomotive or waggon by means of a coupling pole or other like appliance.

16. No locomotive or waggon shall be moved on a line of rails until warning has been given by the person in charge to persons employed whose safety is likely to be endangered.

Provided that this Regulation shall not apply to a self-moving crane within a building or to a charging machine or other vehicle so long as it is used in or about any actual process of manufacture.

17. Where persons employed have to pass on foot or work, no locomotive or waggon shall be moved on a line of rails during the period between one hour after sunset and one hour before sunrise, or in foggy weather, unless the approaching end, wherever it is safe and reasonably practicable, is distinguished by a suitable light or accompanied by a man with a lamp.

Provided that this Regulation shall not apply to the movement of locomotives or waggons within any area which is efficiently lighted by stationary lights.

18. The driver in charge of a locomotive, or a man preceding it on foot, shall give an efficient sound signal as a warning on approaching any level crossing over a line of rails regularly used by persons employed, or any curve where sight is intercepted, or any other point of danger to persons employed.

19. A danger signal shall be exhibited at or near the ends of any waggon or train of waggons undergoing repair wherever persons employed are liable to be endangered by an approaching locomotive or waggon.

20.—(a) The space immediately around such a capstan as mentioned in Regulation 8 shall be kept clear of all obstruction.

(b) Such capstan shall not be set in motion until signals have been exchanged between the man in charge of the capstan and the man working the rope or chain attached to it.

(c) No person under 18 years of age shall work such capstan.

21. No person under the age of 18 shall be employed as a locomotive driver, and no person under the age of 16 shall be employed as a shunter.

PART III.—22. All glass tubes of water gauges on locomotives or stationary boilers used for the movement of waggons shall be adequately protected by a covering or guard.

*(g) Factories and workshops in which dry carbonate of lead or red lead is used in the manufacture of paints and colours or chromate of lead is produced by boiling.*

(1) The Regulations shall not apply to factories and workshops in which paints and colours are manufactured not for sale but solely for use in the business of the occupier; or to factories or workshops in which only the manufacture of artists' colours is carried on; or to the manufacture of varnish paints.

(2) Regulation 2, and so much of Regulation 3 as prevents the employment of a woman in manufacturing lead colour, shall not apply to the packing in parcels or kegs not exceeding 14 lbs. in weight, unless and until so required by notice in writing from the Chief Inspector of Factories.

(3) Regulations 4, 5, 6, 11, and 12 shall not apply to factories or workshops in which the grinding of lead colour occupies less than three hours in any week, unless and until so required by notice in writing from the Chief Inspector of Factories.

For the purpose of these Regulations—

“Lead colour” means dry carbonate of lead and red lead, and any colour into which either of these substances enters.

“Lead process” means any process involving the mixing, crushing, sifting, grinding in oil, or any other manipulation of lead colour giving rise to dust; or the manufacture and manipulation of chromate of lead produced by boiling in the colour house.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.—1. No lead colour shall be placed in any hopper or shoot without an efficient exhaust draught and air guide so

arranged as to draw the dust away from the worker as near as possible to the point of origin.

2. No lead process shall be carried on, save either—

(a) With an efficient exhaust draught and air guide so arranged as to carry away the dust or steam as near as possible to the point of origin ; or

(b) In the case of processes giving rise to dust, in an apparatus so closed as to prevent the escape of dust.

Provided that this Regulation shall not apply to the immersion and manipulation of lead colour in water.

3. No woman, young person, or child shall be employed in manipulating lead colour.

4. Every person employed in a lead process or at the roller mills connected with the grinding in oil of lead colour (hereinafter referred to as the roller mills) shall once in each calendar month, on a date of which notice shall be given to every such person, be examined by the Certifying Surgeon of the district or other duly qualified medical practitioner (hereinafter referred to as the Appointed Surgeon) if appointed for the purpose by the Chief Inspector of Factories by a certificate under his hand and subject to such conditions as may be specified in that certificate.

The Certifying or Appointed Surgeon shall have power to suspend from employment in any lead process or at the roller mills.

5. No person after suspension in accordance with Regulation 4, shall be employed in any lead process or at the roller mills without written sanction entered in the Health Register by the Certifying or Appointed Surgeon.

6. A Health Register in a form approved by the Chief Inspector of Factories shall be kept and shall contain a list of all persons employed in any lead process or at the roller mills. The Certifying or Appointed Surgeon will enter therein the dates and results of his examinations of such persons with particulars of any directions given by him.

The Health Register shall be produced at any time when required by any of His Majesty's Inspectors of Factories or by the Certifying or Appointed Surgeon.

7. Overalls shall be provided for all persons employed in lead processes or at the roller mills ; and shall be washed or renewed at least once every week.

8. The occupier shall provide and maintain for the use of all persons employed in lead processes or at the roller mills—

(a) A cloakroom or other suitable place in which such persons can deposit clothing put off during working hours, and

separate and suitable arrangements for the storage of overalls required by Regulation 7 ;

(b) A dining-room, unless all workers leave the factory during meal hours.

9. No person shall be allowed to introduce, keep, prepare, or partake of any food, drink (other than a medicine provided by the occupier and approved by the Certifying or Appointed Surgeon), or tobacco in any room in which a lead process is carried on. Suitable provision shall be made for the deposit of food brought by persons employed.

10. The occupier shall provide and maintain in a cleanly state and in good repair for the use of persons employed in lead processes or at the roller mills a lavatory containing either—

(a) At least one lavatory basin for every five such persons, fitted with a waste pipe, or placed in a trough having a waste pipe, and having a constant supply of cold water laid on and a sufficient supply of hot water constantly available ; or

(b) Troughs of enamel or similar smooth impervious material, fitted with waste pipes without plugs, and having a constant supply of warm water laid on. The length of such troughs shall be in a proportion of not less than 2 feet for every five persons employed in lead processes or at the roller mills.

He shall also provide in the lavatory soap, nail brushes, and a sufficient supply of clean towels renewed daily.

PART II.—II. All persons employed in lead processes or at the roller mills shall present themselves at the appointed time for examination by the Certifying or Appointed Surgeon, as provided in Regulation 4.

12. No person after suspension under Regulation 4 shall work in a lead process or at the roller mills in any paint and colour factory or workshop to which these Regulations apply without written sanction entered in the Health Register by the Certifying or Appointed Surgeon.

13. All persons employed in lead processes or at the roller mills shall wear the overalls provided under Regulation 7, and shall deposit such overalls and any clothing put off during working hours in the places provided under Regulation 8.

The overalls shall not be removed by persons employed from the factory or workshop.

14. No person shall introduce, keep, prepare, or partake of any food, drink (other than a medicine provided by the occupier and approved by the Certifying or Appointed Surgeon), or tobacco in any room in which a lead process is carried on.

15. All persons employed in lead processes or at the roller

mills shall carefully clean and wash their hands before leaving the premises or partaking of any food.

16. No person shall, without the permission of the occupier or manager, interfere in any way with the means and appliances provided for the removal of dust, steam, or fumes, and for the carrying out of these Regulations.

These Regulations came into force on 1st February, 1907.

*(10) Factories in which the process of heading of yarn dyed by means of a lead compound is carried on.*

If the Chief Inspector of Factories is satisfied, with regard to any such factory, that the heading of yarn dyed by means of a lead compound will not occupy more than three hours in any week, he may, by certificate, suspend Regulations 2, 3, 4, 7 (a), and 8 (a), or any of them. Every such certificate shall be in writing, signed by the Chief Inspector of Factories, and shall be revocable at any time by further certificate.

“ Heading ” means the manipulation of yarn dyed by means of a lead compound over a bar or post, and includes picking, making-up, and noddling.

“ Employed ” means employed in heading of yarn dyed by means of a lead compound.

“ Surgeon ” means the Certifying Factory Surgeon of the district or a duly qualified medical practitioner appointed by certificate under the hand of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

“ Suspension ” means suspension by written certificate in the Health Register, signed by the Surgeon, from employment in heading of yarn dyed by means of a lead compound.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.—I. No yarn dyed by means of a lead compound shall be headed unless there be an efficient exhaust draught so arranged as to draw the dust away from the worker, as near as possible to the point of origin. The speed of the draught at the exhaust opening shall be determined at least once in every three months and recorded in the General Register.

2. No person under 16 years of age shall be employed.

3. A Health Register, containing the names of all persons employed, shall be kept in a form approved by the Chief Inspector of Factories.

4. Every person employed shall be examined by the Surgeon once in every three months (or at shorter intervals if and as



required in writing by the Chief Inspector of Factories) on a date of which due notice shall be given to all concerned.

The Surgeon shall have power of suspension as regards all persons employed, and no person after suspension shall be employed without written sanction from the Surgeon entered in the Health Register.

5. There shall be provided and maintained for the use of all persons employed—

- (a) A suitable cloakroom for clothing put off during working hours ;
- (b) A suitable meal-room separate from any room in which heading of yarn dyed by means of a lead compound is carried on, unless the works are closed during meal hours ;

and, if so required by notice in writing from the Chief Inspector of Factories,

- (c) Suitable overalls and head-coverings which shall be collected at the end of every day's work, and be washed and renewed at least once every week ;
- (d) A suitable place, separate from the cloakroom and meal-room, for the storage of the overalls and head-coverings.

6. There shall be provided and maintained in a cleanly state and in good repair, for the use of all persons employed, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

- (a) A trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least 2 feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet ; or
- (b) At least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

PART II.—7. Every person employed shall—

- (a) Present himself at the appointed time for examination by the Surgeon as provided in Regulation 4 ;
- (b) Wear the overall and head-covering (provided in pursuance of Regulation 5 (c)) while at work, and shall remove them before partaking of food or leaving the premises, and shall deposit in the cloakroom, provided



in pursuance of Regulation 5 (a), clothing put off during working hours ;

(c) Wash the hands before partaking of food or leaving the premises.

8. No person shall—

(a) Work in heading of yarn dyed by means of a lead compound after suspension without written sanction from the Surgeon entered in the Health Register.

(b) Introduce, keep, prepare, or partake of any food or drink, or tobacco in any room in which heading of yarn dyed by means of a lead compound is carried on ;

(c) Interfere in any way, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of the dust and for the carrying out of these Regulations.

(II) *Factories, other than scutch mills, in which any of the processes of spinning and weaving hemp, or jute, or hemp or jute tow, and the processes incidental thereto are carried on.*

These Regulations came into force on the 1st day of January, 1908.

In these Regulations—

“ Degrees ” means degrees on the Fahrenheit scale.

“ Opening of bales,” “ batching,” “ machine-hackling,” “ carding,” and “ preparing ” mean those processes in the manufacture of hemp, or jute, or hemp or jute tow.

It shall be the duty of the occupier to observe Part I. of these Regulations. It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.—I. In every room in which persons are employed the arrangements shall be such that during working hours the proportion of carbonic acid in the air of the room shall not exceed 20 volumes per 10,000 volumes of air at any time when gas or oil is used for lighting (or within one hour thereafter), or 12 volumes per 10,000 when electric light is used (or within one hour thereafter), or 9 volumes per 10,000 at any other time.

Provided that it shall be a sufficient compliance with this Regulation if the proportion of carbonic acid in the air of the room does not exceed that of the open air by more than 5 volumes per 10,000 volumes of air.

2. In every room in which the opening of bales, batching, machine-hackling, carding, preparing, or other process is carried on and in which dust is generated and inhaled to an extent likely to cause injury to the health of the workers, efficient exhaust and inlet ventilation shall be provided to secure that

the dust is drawn away from the workers at or as near as is reasonably possible to the point at which it is generated.

3. In every room in which the opening of bales, batching, machine-hackling, carding, or preparing is carried on an accurate thermometer shall be kept affixed.

4. The temperature of any room where machine-hackling is carried on shall not fall below 50 degrees, or where carding or preparing is carried on, below 55 degrees.

Provided that it shall be a sufficient compliance with this Regulation if the heating apparatus be put in operation at the commencement of work, and if the required temperature be maintained after the expiration of one hour from the commencement of work.

5. Where machine-hackling, carding, or preparing is carried on the arrangements shall be such that no person employed shall be exposed to a direct draught from any air inlet, or to any draught at a temperature of less than 50 degrees.

6. In every room in which artificial humidity of air is produced in aid of manufacture, a set of standardised wet and dry bulb thermometers shall be kept affixed in the centre of the room, or in such other position as may be directed by the Inspector of the district by notice in writing, and shall be maintained in correct working order.

Each of the above thermometers shall be read between 11 and 12 A.M. on every day that any person is employed in the room, and again between 4 and 5 P.M. on every day that any person is employed in the room after 1 P.M., and each reading shall at once be entered on the prescribed form. The form shall be hung up near the thermometers to which it relates, and shall be forwarded, duly filled in, at the end of each calendar month to the Inspector of the district.

Provided that this part of this Regulation shall not apply to any room in which the difference of reading between the wet and dry bulb thermometers is never less than 4 degrees, if notice of intention to work on that system has been given in the prescribed form to the Inspector of the district, and a copy of the notice is kept affixed in the room to which it applies.

7. Suitable and sufficient respirators shall be provided for the use of persons employed in the opening of bales, machine-hackling, preparing, and carding, if dust is generated and inhaled to an extent likely to cause injury to the health of the workers.

PART II.—8. No person shall in any way interfere, without the concurrence of the occupier or manager, with the means and appliances provided for ventilation, or for the removal of dust, or for the other purposes of these Regulations.

(12) *Factories and workshops in which processes involving the use of horsehair from China, Siberia, or Russia are carried on.*

These Regulations came into force on the 1st April, 1908.

"Material" means tail or mane horsehair from China, Siberia, or Russia, whether in the raw state or partially or wholly prepared, notwithstanding that such preparation may have taken place in some country other than those named.

"Disinfection" means—

(a) Exposure to steam at a temperature not less than 212° F. for at least half an hour, of material so loosened, spread out, or exposed as to allow the steam to penetrate throughout; or

(b) Exposure of material to such disinfectant under such conditions of concentration and temperature of the disinfectant, and duration and manner of exposure of the material to it, and otherwise, as are certified to secure the destruction of anthrax spores in all parts of all horsehair subjected to the process. Provided that such a certificate shall have no force unless and until (1) a copy of it has been submitted to the Secretary of State, and (2) a copy of it is kept in the Register required under Regulation 1. Provided, further, that any such certificate may at any time be disallowed by the Secretary of State, either generally or with regard to a factory or workshop in which anthrax has occurred.

"Certified" means certified by the director of a bacteriological laboratory recognised by a corporation in the United Kingdom having power to grant diplomas registrable under the Medical Acts, 1858 to 1905.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.—1. A Register shall be kept containing the prescribed particulars<sup>1</sup> of the disinfection of all material.

<sup>1</sup> The Secretary of State has prescribed the following as the particulars to be entered in the Register kept in pursuance of Regulation 1 with regard to each consignment of horsehair received in the factory or workshop.

1. Weight of material;
2. Date of receipt on the premises;
3. Country of origin;
4. Whether raw or partially or wholly prepared;
5. Method of disinfection;

And in the case of material disinfected on the premises,

6. Date of disinfection;

And in the case of material disinfected elsewhere than on the premises,

7. Name of person from whom the material was obtained.

2. Material which has not undergone disinfection shall not be stored except in a room set aside for the purpose, in which no other horsehair shall be placed.

3. Material which has not undergone disinfection shall not be opened from the bale or sorted except in a room set aside for the purpose, in which no other horsehair shall be placed ; nor shall any such material be opened from the bale, except over or by the side of an efficient screen, or sorted except over an efficient screen.

For the purposes of this Regulation no screen shall be deemed to be efficient unless it is provided with an exhaust draught so arranged that at every point of the screen within 18 inches of the centre the velocity of the exhaust draught shall be at least 300 linear feet per minute.

4. No material shall be subjected to any manipulation other than opening or sorting until it has undergone disinfection.

5. Every willowing and dust-extracting machine shall be covered over and provided with efficient exhaust draught so arranged as to carry the dust away from the worker.

6. The dust from the opening and sorting screens, and from the willow or other dust-extracting machines, shall be discharged into furnaces or into chambers so constructed as to intercept the dust.

7. Each extracting shaft and the space beneath the opening and sorting screen shall be cleaned out at least once in every week.

8. All dust collected from the opening and sorting screens shall be burned.

9. There shall be provided and maintained for the use of persons employed on material which has not undergone disinfection—

(a) Suitable overalls and head coverings, which shall be collected at the end of every day's work, and washed or renewed at least once every week, and shall not be taken out of the works for any purpose whatever unless they have previously been boiled for ten minutes or have undergone disinfection after last being used ; and

(b) A suitable meal-room, separate from any work-room, unless the works are closed during meal hours ; and

(c) A suitable cloak-room for clothing put off during working hours ; and a suitable place, separate from the cloak-room and meal-room, for the storage of the overalls ; and

(d) Requisites for treating scratches and slight wounds.

10. There shall be provided suitable respirators for the use of

persons employed in work necessitated by Regulations 6, 7, and 8. Each respirator shall bear the distinguishing mark of the worker to whom it is supplied, and the filtering material shall be renewed after each day on which it is used.

11. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed on material which has not undergone disinfection, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(a) A trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least 2 feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet ; or

(b) At least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

12. No person under 18 years of age shall be employed on material which has not undergone disinfection.

13. No person employed on material which has not undergone disinfection shall be allowed—

(a) To work having any open cut or sore ; or

(b) To introduce, keep, prepare, or partake of any food or drink, or tobacco, in any room in which such material is stored or manipulated.

14. A cautionary notice as to anthrax, in the prescribed form, shall be kept affixed with these Regulations.

PART II.—15. No person employed shall—

(a) Open, sort, or willow or otherwise manipulate any material except in accordance with the foregoing Regulations.

(b) Introduce, keep, prepare, or partake of any food or drink, or tobacco, contrary to Regulation 13 (b).

16. Every person employed on material which has not undergone disinfection shall—

(a) Wear the overall and head covering provided in pursuance of Regulation 9 (a) while at work, and shall remove them before partaking of food or leaving the premises, and shall deposit in the cloak-room provided in pursuance of Regulation 9 (c) all clothing put off during working hours ; and

- (b) Wash the hands and clean the nails before partaking of food or leaving the premises ; and
- (c) Report any cut or sore to the foreman, and until it has been treated abstain from work on any such material.

17. Every person employed shall wear the respirator provided in pursuance of Regulation 10 while engaged in work necessitated by Regulations 6, 7, and 8.

18. If the arrangement for disinfection, or any fan, or any other appliance for the carrying out of these Regulations, appears to any workman to be out of order or defective, he shall immediately report it to the foreman.

(13) *Factories in which the casting of brass is carried on.*

Exceptions : (i.) The Regulations shall not apply to a sand-casting shop having an air-space equivalent to 2500 cubic feet for each of the persons employed nor to any other casting shop having an air-space equivalent to 3500 cubic feet for each of the persons employed. Provided—

(a) That provision is made for the egress of the fumes during casting by inlets below and outlets above of adequate size, and

(b) That a notice in the prescribed form, giving the prescribed particulars, shall be kept affixed at or near the entrance of the casting shop and that a copy shall be sent to the Inspector of the district, and

(c) That the conditions of exemption stated in such notice are not departed from ;

(ii.) So much of Regulation 1 as requires that exhaust draught shall be maintained during the process of casting shall not apply in the case of strip or solid drawn tube casting or any other class of casting which the Secretary of State may certify on that behalf, provided that—

(a) The exhaust draught cannot be so maintained without damage to the metal (proof of which shall be upon the occupier) ; and

(b) The exhaust draught is put into operation immediately after the casting ; and

(c) Provision is made for the egress of fumes during casting by inlets below and outlets above of adequate size.

(iii.) Where it is proved to the satisfaction of the Chief Inspector of Factories that by reason of exceptional features in the construction or situation of a casting

shop or by reason of the infrequency of the casting or the small quantity or the nature or composition of the metal cast or other circumstances all or any of the Regulations are not necessary for the protection of the persons employed, he may by certificate in writing (which he may in his discretion revoke) exempt such casting shop from all or any of the provisions of the same subject to such conditions as he may by such certificate prescribe.

In these Regulations (including the above provisions and exceptions)—

“ Brass ” means any alloy of copper and zinc.

“ Casting ” includes the pouring and skimming of brass.

“ Casting shop ” means any place in which casting of brass is carried on.

“ Sand-casting ” means casting in moulds prepared by hand in sand or loam or sand and loam.

“ Sand-casting shop ” means a place in which no kind of casting other than sand-casting is carried on.

“ Pot ” includes any crucible, ladle, or other vessel in which the brass is skimmed or from which it is poured.

“ Employed ” means employed in the casting shop in any capacity.

“ Persons employed ” means the maximum number of persons at any time employed.

It shall be the duty of the occupier to observe Part I. of these Regulations, and the conditions contained in any certificate of exemption.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

These Regulations came into force on the 1st day of January, 1910.

PART I.—I. Casting of brass shall not be carried on unless the following conditions are complied with :

- (a) There shall be an efficient exhaust draught operating by means either of (i.) a tube attached to the pot, or (ii.) a fixed or moveable hood over the point where the casting takes place, or (iii.) a fan in the upper part of the casting shop, or (iv.) some other effectual contrivance for the prompt removal of the fumes from the casting shop and preventing their diffusion therein. The exhaust draught shall be applied as near to the point of origin of the fumes as is reasonably practicable having regard to the requirements of the process, the maintenance of the exhaust draught during the process of casting, and (as regards casting shops in use prior to



1st January, 1908) the structure of the premises, and the cost of applying the exhaust draught in that manner.

(b) There shall be efficient arrangements to prevent the fumes from entering any other room in the factory in which work is carried on ;

(c) There shall be free openings to the outside air so placed as not to interfere with the efficiency of the exhaust draught.

2. There shall be provided and maintained in a cleanly state and in good repair, for the use of all persons employed, a lavatory, under cover, (i.) with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and (ii.) with either—

(a) A trough with a smooth, impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least 2 feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet ; or

(b) At least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water, or warm water, laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

3. No female shall be allowed to work, in any process whatever, in any casting shop.

PART II.—4. No person employed shall leave the premises or partake of food without carefully washing the hands.

5. No persons employed shall carry on the pouring of brass without using apparatus provided in pursuance of Regulation I (a).

6. No person employed shall in any way interfere without the knowledge and concurrence of the occupier or manager with the means provided for the removal of fumes.

(14) *Factories and workshops in which vitreous enamelling of metal or glass is carried on.*

Nothing in these Regulations shall apply to—

(a) The enamelling of jewellery or watches ; or

(b) The manufacture of stained glass ; or

(c) Enamelling by means of glazes or colours containing less than 1 per cent of lead.

These Regulations came into force on 1st April 1909.



In these Regulations—

“ Enamelling ” means crushing, grinding, sieving, dusting or laying on, brushing or woolling off, spraying, or any other process for the purpose of vitreous covering and decoration of metal or glass ;

“ Employed ” means employed in enamelling ;

“ Surgeon ” means the Certifying Factory Surgeon of the district or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate ;

“ Suspension ” means suspension by written certificate in the Health Register, signed by the Surgeon, from employment in any enamelling process.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.—1. Every room in which any enamelling process is carried on—

- (a) Shall contain at least 500 cubic feet of air space for each person employed therein, and in computing this air space no height above 14 feet shall be taken into account ;
- (b) Shall be efficiently lighted, and shall for this purpose have efficient means of lighting, both natural and artificial.

2. In every room in which any enamelling process is carried on—

- (a) The floors shall be well and closely laid, and be maintained in good condition ;
- (b) The floors and benches shall be cleansed daily and kept free of collections of dust.

3. No enamelling process giving rise to dust or spray shall be done save either—

- (a) Under conditions which secure the absence of dust and spray ; or
- (b) With an efficient exhaust so arranged as to intercept the dust or spray and prevent it from diffusing into the air of the room.

4. Except in cases where glaze is applied to a heated metallic surface, dusting or laying on, and brushing or woolling off, shall not be done except over a grid with a receptacle beneath to intercept the dust falling through.

5. If firing is done in a room not specially set apart for the purpose, no person shall be employed in any other process within 20 feet from the furnace.

6. Such arrangements shall be made as shall effectually

prevent gases generated in the muffle furnaces from entering the workrooms.

7. No child or young person under 16 years of age shall be employed in any enamelling process.

8. A Health Register, containing the names of all persons employed, shall be kept in a form approved by the Chief Inspector of Factories.

9. Every person employed shall be examined by the Surgeon once in every three months (or at such other intervals as may be prescribed in writing by the Chief Inspector of Factories) on a date of which due notice shall be given to all concerned.

10. The Surgeon shall have power of suspension as regards all persons employed, and no person after suspension shall be employed without written sanction from the Surgeon entered in the Health Register.

11. There shall be provided and maintained for the use of all persons employed—

- (a) Suitable overalls and head-coverings, which shall be collected at the end of every day's work, and be cleaned or renewed at least once every week ;
- (b) A suitable place, separate from the cloak-room and meal-room, for the storage of the overalls and head-coverings ;
- (c) A suitable cloak-room for clothing put off during working hours ;
- (d) A suitable meal-room separate from any room in which enamelling processes are carried on, unless the works are closed during meal hours.

12. There shall be provided and maintained in a cleanly state and in good repair, for the use of all persons employed, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

- (a) A trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least 2 feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet ; or
- (b) At least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by persons employed.

13. The occupier shall allow any of H.M. Inspectors of Factories to take at any time sufficient samples for analysis of any enamelling material in use or mixed for use.

Provided that the occupier may at the time when the sample is taken, and on providing the necessary appliances, require the Inspector to take, seal, and deliver to him a duplicate sample.

No results of any analysis shall be published without the consent of the occupier, except such as may be necessary to prove the presence of lead when there has been infraction of the Regulations.

PART II.—14. Every person employed shall—

- (a) Present himself at the appointed time for examination by the Surgeon as provided in Regulation 9 ;
- (b) Wear the overall and head-covering provided under Regulation 11 (a), and deposit them and clothing put off during working hours in the places provided under Regulation 11 (b) and (c) ;
- (c) Carefully clean the hands before partaking of any food or leaving the premises ;
- (d) So arrange the hair that it shall be effectually protected from dust by the head-covering.

15. No person employed shall—

- (a) After suspension, work in any enamelling process without written sanction from the Surgeon entered in the Health Register ;
- (b) Introduce, keep, prepare, or partake of any food, drink, or tobacco in any room in which an enamelling process is carried on ;
- (c) Interfere in any way, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of dust or fumes, and for the carrying out of these Regulations.

(15) *Factories in which East Indian Wool is used.*

These Regulations came into force on the 1st January, 1909.

1. It shall be the duty of the occupier to observe Part I. of these Regulations. It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.—2. No East Indian wool or hair shall be treated in any dust-extracting machine unless such machine is covered over and the cover connected with an exhaust fan so arranged as to discharge the dust into a furnace or into an intercepting chamber.

3. The occupier shall provide and maintain suitable overalls and respirators to be worn by the persons engaged in collecting and removing the dust.

PART II.—4. No person employed shall treat East Indian wool in any dust-extracting machine otherwise than as permitted in Regulation 2.

5. Every person engaged in collecting or removing dust shall wear the overall and respirator provided in accordance with Regulation 3.

6. If any fan, or any other appliance for the carrying out of these Regulations, is out of order, any workman becoming aware of the defect shall immediately report the fact to the foreman.

*(16) The generation, transformation, distribution, and use of electrical energy in any factory or workshop, or any place to which the provisions of Section 79 of the Factory and Workshop Act, 1901, are applied by that Act.*

These Regulations came into force on the 1st July, 1909, except as regards such parts of electrical stations as were constructed before the 1st July 1908, in respect of which they came into force on the 1st January 1910.

It shall be the duty of the occupier to comply with these Regulations.

And it shall be the duty of all agents, workmen, and persons employed to conduct their work in accordance with these Regulations.

“ Pressure ” means the difference of electrical potential between any two conductors, or between a conductor and earth as read by a hot wire or electrostatic volt-meter.

“ Low Pressure ” means a pressure in a system normally not exceeding 250 volts where the electrical energy is used.

“ Medium Pressure ” means a pressure in a system normally above 250 volts, but not exceeding 650 volts, where the electrical energy is used.

“ High Pressure ” means a pressure in a system normally above 650 volts, but not exceeding 3000 volts, where the electrical energy is used or supplied.

“ Extra-high Pressure ” means a pressure in a system normally exceeding 3000 volts, where the electrical energy is used or supplied.

“ System ” means an electrical system in which all the conductors and apparatus are electrically connected to a common source of electro-motive force.

“ Conductor ” means an electrical conductor arranged to be electrically connected to a system.

“ Apparatus ” means electrical apparatus, and includes all apparatus, machines, and fittings in which conductors are used, or of which they form a part.

“Circuit” means an electrical circuit forming a system or branch of a system.

“Insulating stand” means a floor, platform, stand, or mat	} of such size, quality, and construction according to the circumstances of the use thereof, that a person is thereby adequately protected from danger.
“Insulating screen” means a screen	
“Insulating boots” means boots	
“Insulating gloves” means gloves	

“Covered with insulating material” means adequately covered with insulating material of such quality and thickness that there is no danger.

“Bare” means not covered with insulating material.

“Live” means electrically charged.

“Dead” means at, or about, zero potential, and disconnected from any live system.

“Earthed” means connected to the general mass of earth in such manner as will ensure at all times an immediate discharge of electrical energy without danger.

“Substation” means any premises, or that part of any premises, in which electrical energy is transformed or converted to or from pressure above medium pressure, except for the purpose of working instruments, relays, or similar auxiliary apparatus; if such premises or part of premises are large enough for a person to enter after the apparatus is in position.

“Switchboard” means the collection of switches or fuses, conductors, and other apparatus in connexion therewith, used for the purpose of controlling the current or pressure in any system or part of a system.

“Switchboard passage-way” means any passage-way or compartment large enough for a person to enter, and used in connexion with a switchboard when live.

“Authorised person” means (a) the occupier, or (b) a contractor for the time being under contract with the occupier, or (c) a person employed, appointed, or selected by the occupier, or by a contractor as aforesaid, to carry out certain duties incidental to the generation, transformation, distribution, or use of electrical energy, such occupier, contractor, or person being a person who is competent for the purposes of the Regulation in which the term is used.

“Danger” means danger to health or danger to life or limb from shock, burn, or other injury to persons employed, or from fire attendant upon the generation, transformation, distribution, or use of electrical energy.

“Public supply” means the supply of electrical energy (a) by

any local authority, company, or person authorised by Act of Parliament or Provisional Order confirmed by Parliament or by licence or Order of the Board of Trade to give a supply of electrical energy ; or (b) otherwise under Board of Trade Regulations.

1. Nothing in Regulations 2, 3, 4, 7, 9, 10, 11, 15, 16, 17, 21, 22, 23, 24, 25, 26, 28, 29, 30, and 31 shall apply, unless on account of special circumstances the Secretary of State shall give notice to the occupier that this exemption does not apply—

(a) To any system in which the pressure does not exceed low pressure direct or 125 volts alternating ;

(b) In any public supply generating station, to any system in which the pressure between it and earth does not exceed low pressure ;

(c) In any above-ground sub-station for public supply, to any system not exceeding low pressure.

2. Nothing in these Regulations shall apply to any service lines or apparatus on the supply side of the consumer's terminals, or to any chamber containing such service lines or apparatus, where the supply is given from outside under Board of Trade Regulations ; provided always that no live metal is exposed so that it may be touched.

3. If the occupier can show, with regard to any requirement of these Regulations, that the special conditions in his premises are such as adequately to prevent danger, that requirement shall be deemed to be satisfied ; and the Secretary of State may by Order <sup>1</sup> direct that any class of special conditions defined in the Order shall be deemed for the purposes of all or any of the requirements of these Regulations adequately to prevent danger, and may revoke such Order.

4. Nothing in these Regulations shall apply to any process or apparatus used exclusively for electro-chemical or electro-thermal or testing or research purposes ; provided such process be so worked and such apparatus so constructed and protected

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<sup>1</sup> The following Order, dated 28th July 1909, has been made under Exemption 3 :—

In pursuance of Exemption 3 of the above Regulations, it is directed that in rooms, other than electrical stations, in which the following special conditions are observed, viz. :

No electrical energy is used except at low pressure, nor for any purpose other than lighting by means of incandescent lamps ; and

The floor is of wood or otherwise insulating ; and

There is no machinery or other earthed metal with which a person handling any non-earthed lamp fittings or any portable lamp is liable to be in contact ; and

No process rendering the floor wet is carried on ; and

No live conductor is normally exposed so that it may be touched ;

Such conditions shall be deemed for all the purposes of the Regulations adequately to prevent danger.

and such special precautions taken as may be necessary to prevent danger.

5. The Secretary of State may, by Order, exempt from the operation of all or any of these Regulations any premises to which any Special Rules or Regulations under any other Act as to the generation, transformation, distribution, or use of electrical energy apply, and may revoke such Order.

6. The Secretary of State may, if satisfied that safety is otherwise practically secured, or that exemption is necessary on the ground of emergency or special circumstances, grant such exemption by Order, subject to any conditions that may be prescribed therein, and may revoke such Order.

7. Nothing in these Regulations shall apply to domestic factories or domestic workshops.

### REGULATIONS

1. All apparatus and conductors shall be sufficient in size and power for the work they are called upon to do, and so constructed, installed, protected, worked, and maintained as to prevent danger so far as is reasonably practicable.

2. All conductors shall either be covered with insulating material, and further efficiently protected where necessary to prevent danger, or they shall be so placed and safeguarded as to prevent danger so far as is reasonably practicable.

3. Every switch, switch fuse, circuit-breaker, and isolating link shall be: (a) so constructed, placed, or protected as to prevent danger; (b) so constructed and adjusted as accurately to make and to maintain good contact; (c) provided with an efficient handle or other means of working, insulated from the system, and so arranged that the hand cannot inadvertently touch live metal; (d) so constructed or arranged that it cannot accidentally fall or move into contact when left out of contact.

4. Every switch intended to be used for breaking a circuit and every circuit breaker shall be so constructed that it cannot with proper care be left in partial contact. This applies to each pole of double-pole or multipole switches or circuit-breakers.

Every switch intended to be used for breaking a circuit and every circuit-breaker shall be so constructed that an arc cannot accidentally be maintained.

5. Every fuse, and every automatic circuit-breaker used instead thereof, shall be so constructed and arranged as effectively to interrupt the current before it so exceeds the working rate as to involve danger. It shall be of such construction or be so guarded or placed as to prevent danger from over-heating, or from arcing or the scattering of hot metal or other substance when it comes into operation. Every fuse shall be either of



such construction or so protected by a switch that the fusible metal may be readily renewed without danger.

6. Every electrical joint and connexion shall be of proper construction as regards conductivity, insulation, mechanical strength and protection.

7. Efficient means, suitably located, shall be provided for cutting off all pressure from every part of a system, as may be necessary to prevent danger.

8. Efficient means suitably located shall be provided for protecting from excess of current every part of a system, as may be necessary to prevent danger.

9. Where one of the conductors of a system is connected to earth, no single-pole switch, other than a link for testing purposes or a switch for use in controlling a generator, shall be placed in such conductor or any branch thereof.

A switch, or automatic or other cut-out may, however, be placed in the connexion between the conductor and earth at the generating station, for use in testing and emergencies only.

10. Where one of the main conductors of a system is bare and uninsulated, such as a bare return of a concentric system, no switch, fuse, or circuit-breaker shall be placed in that conductor, or in any conductor connected thereto, and the said conductor shall be earthed.

Nevertheless, switches, fuses, or circuit-breakers may be used to break the connexion with the generators or transformers supplying the power ; provided that in no case of bare conductor the connexion of the conductor with earth is thereby broken.

11. Every motor, converter, and transformer shall be protected by efficient means suitably placed, and so connected that all pressure may thereby be cut off from the motor, converter, or transformer as the case may be, and from all apparatus in connexion therewith ; provided, however, that where one point of the system is connected to earth, there shall be no obligation to disconnect on that side of the system which is connected to earth.

12. Every electrical motor shall be controlled by an efficient switch or switches for starting and stopping, so placed as to be easily worked by the person in charge of the motor.

In every place in which machines are being driven by any electric motor, there shall be means at hand for either switching off the motor or stopping the machines if necessary to prevent danger.

13. Every flexible wire for portable apparatus, for alternating currents or for pressures above 150 volts direct current, shall be connected to the system either by efficient permanent joints or connexions, or by a properly constructed connector.



In all cases where the person handling portable apparatus or pendant lamps with switches, for alternating current or pressures above 150 volts direct current, would be liable to get a shock through a conducting floor or conducting work or otherwise, if the metal work of the portable apparatus became charged, the metal work must be efficiently earthed; and any flexible metallic covering of the conductors shall be itself efficiently earthed and shall not itself be the only earth connexion for the metal of the apparatus. And a lampholder shall not be in metallic connexion with the guard or other metal work of a portable lamp.

In such places and in any place where the pressure exceeds low pressure, the portable apparatus and its flexible wire shall be controlled by efficient means suitably located, and capable of cutting off the pressure, and the metal work shall be efficiently earthed independently of any flexible metallic cover of the conductors, and any such flexible covering shall itself be independently earthed.

14. The general arrangement of switchboards shall, so far as reasonably practicable, be such that—

- (a) All parts which may have to be adjusted or handled are readily accessible;
- (b) The course of every conductor may where necessary be readily traced;
- (c) Conductors, not arranged for connexion to the same system, are kept well apart, and can where necessary be readily distinguished;
- (d) All bare conductors are so placed or protected as to prevent danger from accidental short circuit.

15. Every switchboard having bare conductors normally so exposed that they may be touched, shall, if not located in an area or areas set apart for the purposes thereof, where necessary, be suitably fenced or enclosed.

No person, except an authorised person, or a person acting under his immediate supervision, shall, for the purpose of carrying out his duties, have access to any part of an area so set apart.

16. All apparatus appertaining to a switchboard and requiring handling shall, so far as practicable, be so placed or arranged as to be operated from the working platform of the switchboard, and all measuring instruments and indicators connected therewith shall, so far as practicable, be so placed as to be observed from the working platform. If such apparatus be worked or observed from any other place, adequate precautions shall be taken to prevent danger.

17. At the working platform of every switchboard and in every switchboard passage-way, if there be bare conductors

exposed or arranged to be exposed when live so that they may be touched, there shall be a clear and unobstructed passage of ample width and height, with a firm and even floor. Adequate means of access, free from danger, shall be provided for every switchboard passage-way.

The following provisions shall apply to all such switchboard working platforms and passage-ways constructed after January 1, 1909, unless the bare conductors, whether overhead or at the sides of the passage-ways, are otherwise adequately protected against danger by divisions or screens or other suitable means :

- (a) Those constructed for low-pressure and medium-pressure switchboards shall have a clear height of not less than 7 feet, and a clear width measured from bare conductor of not less than 3 feet.
- (b) Those constructed for high-pressure and extra high-pressure switchboards, other than operating desks or panels working solely at low-pressure, shall have a clear height of not less than 8 feet and a clear width measured from bare conductor of not less than 3 feet 6 inches.
- (c) Bare conductors shall not be exposed on both sides of the switchboard passage-way unless either (i.) the clear width of the passage is in the case of low-pressure and medium-pressure not less than 4 feet 6 inches and in the case of high-pressure and extra high-pressure not less than 8 feet, in each case measured between bare conductors, or (ii.) the conductors on one side are so guarded that they cannot be accidentally touched.

18. In every switchboard for high-pressure or extra high-pressure :

- (a) Every high-pressure and extra high-pressure conductor within reach from the working platform or in any switchboard passage-way shall be so placed or protected as adequately to prevent danger.
- (b) The metal cases of all instruments working at high-pressure or extra high-pressure shall be either earthed or completely enclosed with insulating covers.
- (c) All metal handles of high-pressure and extra high-pressure switches, and, where necessary to prevent danger, all metal gear for working the switches, shall be earthed.
- (d) When work has to be done on any switchboard, then, unless the switchboard be otherwise so arranged as to secure that the work may be carried out without danger, either (i.) the switchboard shall be made dead, or (ii.) if the said switchboard be so arranged that

the conductors thereof can be made dead in sections, and so separated by permanent or removable divisions or screens from all adjoining sections of which the conductors are live, that work on any section may be carried out without danger, that section on which work has to be done shall be made dead.

19. All parts of generators, motors, transformers, or other similar apparatus, at high-pressure or extra high-pressure, and within reach from any position in which any person employed may require to be, shall be, so far as reasonably practicable, so protected as to prevent danger.

20. Where a high-pressure or extra high-pressure supply is transformed for use at a lower pressure, or energy is transformed up to above low-pressure, suitable provision shall be made to guard against danger by reason of the lower-pressure system becoming accidentally charged above its normal pressure by leakage or contact from the higher-pressure system.

21. Where necessary to prevent danger, adequate precautions shall be taken either by earthing or by other suitable means to prevent any metal other than the conductor from becoming electrically charged.

22. Adequate precautions shall be taken to prevent any conductor or apparatus from being accidentally or inadvertently electrically charged when persons are working thereon.

23. Where necessary adequately to prevent danger, insulating stands or screens shall be provided and kept permanently in position, and shall be maintained in sound condition.

24. Portable insulating stands, screens, boots, gloves, or other suitable means shall be provided and used when necessary adequately to prevent danger, and shall be periodically examined by an authorised person.

25. Adequate working space and means of access, free from danger, shall be provided for all apparatus that has to be worked or attended to by any person.

26. All those parts of premises in which apparatus is placed shall be adequately lighted to prevent danger.

27. All conductors and apparatus exposed to the weather, wet, corrosion, inflammable surroundings or explosive atmosphere, or used in any process or for any special purpose other than for lighting or power shall be so constructed or protected, and such special precautions shall be taken as may be necessary adequately to prevent danger in view of such exposure or use.

28. No person except an authorised person, or a competent person acting under his immediate supervision, shall undertake any work where technical knowledge or experience is required in order adequately to avoid danger; and no person shall work

alone in any case in which the Secretary of State directs that he shall not. No person except an authorised person, or a competent person over 21 years of age acting under his immediate supervision, shall undertake any repair, alteration, extension, cleaning, or such work where technical knowledge or experience is required in order to avoid danger, and no one shall do such work unaccompanied.

Where a contractor is employed, and the danger to be avoided is under his control, the contractor shall appoint the authorised person, but if the danger to be avoided is under the control of the occupier, the occupier shall appoint the authorised person.

29. Instructions as to the treatment of persons suffering from electric shock shall be affixed in all premises where electrical energy is generated, transformed, or used above low pressure; and in such premises, or classes of premises, in which electrical energy is generated, transformed, or used at low pressure as the Secretary of State may direct.

30. Every sub-station shall be substantially constructed, and shall be so arranged that no person other than an authorised person can obtain access thereto otherwise than by the proper entrance, or can interfere with the apparatus or conductors therein from outside, and shall be provided with efficient means of ventilation and be kept dry.

31. Every sub-station shall be under the control of an authorised person, and none but an authorised person or a person acting under his immediate supervision shall enter any part thereof where there may be danger.

32. Every underground sub-station not otherwise easily and safely accessible shall be provided with adequate means of access by a door or trap-door, with a staircase or ladder securely fixed, and so placed that no live part of any switchboard or any bare conductor shall be within reach of a person thereon: Provided, however, that the means of access to such sub-station shall be by a doorway and staircase (a) if any person is regularly employed therein, otherwise than for inspection or cleaning, or (b) if the sub-station is not of ample dimensions and there is therein either moving machinery other than ventilating fans, or extra high-pressure.

*(17) Factories and workshops in which the manufacture of nitro- and amido-derivatives of benzene and the manufacture of explosives with use of dinitrobenzol or dinitrotoluol are carried on.*

Regulations 1 (a), 2, 3, 4, and 14 (c) shall not apply to any process in the manufacture of explosives in which dinitrobenzol is not used.

“ Employed ” means employed in any process mentioned in the Schedules.

“ Surgeon ” means the Certifying Factory Surgeon of the District or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

“ Suspension ” means suspension by written certificate in the Health Register, signed by the Surgeon, from employment in any process mentioned in the Schedules.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

PART I.—I. (a) Every vessel containing any substance named in Schedules A or B shall, if steam is passed into or around it, or if the temperature of the contents be at or above the temperature of boiling water, be covered in such a way that no steam or vapour shall be discharged into the open air at a less height than 20 feet above the heads of the workers.

(b) In every room in which fumes from any substance named in Schedules A or B are evolved in the process of manufacture and are not removed as above, adequate through ventilation shall be maintained by a fan or other efficient means.

2. No substance named in Schedule A shall be broken by hand in a crystallising pan, nor shall any liquor containing it be agitated by hand, except by means of an implement at least 6 feet long.

3. No substance named in Schedule A shall be crushed, ground, or mixed in the crystalline condition, and no cartridge filling shall be done, except with an efficient exhaust draught, so arranged as to carry away the dust as near as possible to the point of origin.

4. Cartridges shall not be filled by hand except by means of a suitable scoop.

5. Every drying stove shall be efficiently ventilated to the outside air in such manner that hot air from the stove shall not be drawn into any workroom.

No person shall be allowed to enter a stove to remove the contents until a free current of air has been passed through it.

6. A Health Register, containing the names of all persons employed, shall be kept in a form approved by the Chief Inspector of Factories.

7. No person shall be newly employed for more than a fortnight without a certificate of fitness, granted after examination by the Surgeon by signed entry in the Health Register.

8. Every person employed shall be examined by the Surgeon once in each calendar month (or at such other intervals as may be prescribed in writing by the Chief Inspector of Factories) on a date of which due notice shall be given to all concerned.

9. The Surgeon shall have power of suspension as regards all persons employed, and no person after suspension shall be employed without written sanction from the Surgeon entered in the Health Register.

10. There shall be provided and maintained for the use of all persons employed :

- (a) Suitable overalls or suits of working clothes, which shall be collected at the end of every day's work, and (in the case of overalls) washed or renewed at least once every week ; and
- (b) A suitable meal-room, separate from any room in which a process mentioned in the Schedules is carried on, unless the works are closed during meal hours ; and
- (c) A suitable cloak-room for clothing put off during working hours ; and
- (d) A suitable place, separate from the cloak-room and meal-room, for the storage of the overalls ;

For the use of all persons handling substances named in the Schedules :

- (e) India-rubber gloves, which shall be collected, examined, and cleansed at the close of the day's work, and shall be repaired or renewed when defective, or other equivalent protection for the hands against contact ;

For the use of all persons employed in processes mentioned in Schedule A :

- (f) Clogs or other suitable protective footwear.

11. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed :

A lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

- (a) A trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least 2 feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet ; or
- (b) At least one lavatory basin for every five such persons, fitted with a waste pipe and plug or placed in a trough having a waste pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and

a supply of hot water always at hand when required for use by persons employed ;

For the use of all persons employed in processes mentioned in Schedules A and B :

(c) Sufficient and suitable bath accommodation (douche or other), with hot and cold water laid on and a sufficient supply of soap and towels. Provided that the Chief Inspector may in any particular case approve of the use of public baths, if conveniently near, under the conditions (if any) named in such approval.

12. No person shall be allowed to introduce, keep, prepare, or partake of any food, drink, or tobacco in any room in which a process mentioned in the Schedules is carried on.

PART II.—13. Every person employed shall—

- (a) Present himself at the appointed time for examination by the Surgeon as provided in Regulation 8 ;
- (b) Wear the overalls or suit of working clothes provided under Regulation 10 (a), and deposit them, and clothing put off during working hours, in the places provided under Regulation 10 (c) and (d) ;
- (c) Use the protective appliances supplied in respect of any process in which he is engaged ;
- (d) Carefully clean the hands before partaking of any food or leaving the premises ;
- (e) Take a bath at least once a week, and when the materials mentioned in the Schedules have been spilt on the clothing so as to wet the skin. Provided that (e) shall not apply to persons employed in processes mentioned in Schedule C, nor to persons exempted by signed entry of the Surgeon in the Health Register.

14. No person employed shall—

- (a) After suspension, work in any process mentioned in the Schedules without written sanction from the Surgeon entered in the Health Register ;
- (b) Introduce, keep, prepare, or partake of any food, drink, or tobacco in any room in which a process mentioned in the Schedules is carried on ;
- (c) Break by hand in a crystallising pan any substance named in Schedule A, or agitate any liquor containing it by hand, except by means of an implement at least 6 feet long ;
- (d) Interfere in any way, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of the fumes and dust, and for the carrying out of these Regulations.



*Schedules*

(A) Processes in the manufacture of :

Dinitrobenzol.  
Dinitrotoluol.  
Trinitrotoluol.  
Paranitrochlorbenzol.

(B) Processes in the manufacture of :

Anilin oil.  
Anilin hydrochloride.

(C) Any process in the manufacture of explosives with use of dinitro-benzol or dinitrotoluol.

(18) *Factories and workshops where tinning is carried on in the manufacture of metal hollow-ware, iron drums, and harness furniture.*

These Regulations shall not apply to :

- (a) Any process in silver plating.
- (b) Any process in which a soldering iron is used.
- (c) Any other process if and so far as it is exempted by written certificate of the Chief Inspector of Factories, on the ground that he is satisfied that any of these Regulations are not required for the protection of the persons employed, by reason of the intermittency or infrequency of the tinning or other special circumstances.

Any such certificate of exemption shall be subject to the conditions therein prescribed, and may be revoked at any time.

These Regulations came into force on October 1, 1909, except that Regulation 1 came into force on April 1, 1910.

In these Regulations—

“ Tinning ” means the dipping and wiping of any metal in the process of coating it with a mixture of tin and lead or lead alone where hydrochloric acid or any salt of that acid is used.

“ Mounting,” “ Denting,” and “ Scouring ” mean the mounting, denting, and scouring of hollow-ware articles tinned on the outer surface.

“ Surgeon ” means the Certifying Factory Surgeon of the District or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

“ Suspension ” means suspension from employment in tinning by written certificate in the Health Register, signed by the Surgeon.

“ Efficient Draught ” means localised ventilation effected by heat or mechanical means for the removal of fumes or dust so



as to prevent them, as far as practicable, from escaping into the air of any room in which work is carried on.

No draught shall be deemed efficient which fails so to remove smoke generated at the point where such fumes or dust originate.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.

**PART I.—I.** No tinning shall be carried on except under an efficient draught.

The article to be tinned shall not be removed from such draught from the time when dipping is commenced until wiping is completed.

This Regulation shall not apply to the wiping of sheet metal 18 inches or more in length, where the person employed is wiping such sheet metal for his own use in some other process of his work.

2. No person under 16 years of age shall be employed in tinning.

3. The skimmings from the dipping bath shall not be removed from under the efficient draught until they have been placed in a covered receptacle. When removed they shall not be deposited in any room in which work is carried on.

4. The dust and refuse collected from the floor shall not be deposited in any room in which work is carried on.

5. A Health Register containing the names of all persons employed in tinning shall be kept in a form approved by the Chief Inspector of Factories.

6. Every person employed in tinning shall be examined by the Surgeon once in every three months (or at such shorter or longer intervals as may be prescribed in writing by the Chief Inspector of Factories) on a day of which due notice shall be given to all concerned.

The Surgeon shall have the power of suspension as regards all persons employed in tinning, and no such person after suspension shall be employed in tinning without written sanction from the Surgeon entered in the Health Register.

7. There shall be provided for the use of all women employed in tinning :

(a) A cloak-room, or other suitable place, separate from any room in which work is carried on, for clothing put off during working hours ;

(b) Aprons or other equivalent protection.

8. There shall be provided for the use of all persons employed in tinning, mounting, denting, or scouring, a room, separate from any room in which such work is carried on, where such persons

may have meals, unless the works are closed during meal hours.

9. There shall be provided and maintained in a cleanly state and good repair for the use of all persons employed in tinning, mounting, denting, or scouring, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(a) A trough with a smooth impervious surface, fitted with a waste pipe without plug, and of such length as to allow at least 2 feet for every five persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet ; or,

(b) At least one lavatory basin for every five such persons, fitted with a waste pipe and plug, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on, and a supply of hot water always at hand when required for use by persons employed.

PART II.—10. Every person employed in tinning shall present himself at the appointed time for examination by the Surgeon as provided in Regulation 6.

11. No person employed in tinning shall—

(a) After suspension, work at tinning without written sanction from the Surgeon entered in the Health Register ; or,

(b) Interfere in any way, without the concurrence of the occupier or manager, with the means and appliances provided for the removal of dust or fumes, and for the carrying out of these Regulations.

12. Every person employed in tinning, mounting, denting, or scouring shall wash the hands before partaking of food or leaving the premises.

13. No person employed in tinning, mounting, denting, or scouring shall keep or prepare or partake of any food or alcoholic drink in any room in which such work is carried on.

*(19) Regulations for the Grinding of Metals and Racing of Grindstones in factories (including tenement factories and tenements thereof in which no person is employed by the occupier) in which is carried on any manufacture or process included in Schedule I, but only so far as concerns such manufacture or process.*

These Regulations shall not apply to any manufacture or process carried on without the aid of steam, water or other mechanical power.

For the purposes of these Regulations :

“ Dry Grinding ” means the dry abrasion of metal, by means of a grindstone, or of a grinding wheel made of compressed emery or other similar composition.

It shall be the duty of the occupier to provide and maintain the appliances required for the purposes of Regulation 1, and the respirators or other appliances, as the case may be, required for the purposes of Regulation 2, and to comply with Regulation 3 (a) and (c).

Provided that if any room in a tenement factory shall be in the occupation of one person, on a half-yearly or longer tenancy, and that person shall, by agreement in writing with the occupier of such factory, undertake the whole or any of the above duties in respect of that room, such person shall, to the extent of such agreement, be substituted for the occupier, provided always that a copy of such agreement shall be kept attached to the General Register.

It shall be the duty of every person who is employed or engaged upon any work of dry grinding or of racing to make full and proper use of the appliances provided for any of the purposes of these Regulations, and to keep such appliances, so far as they are under his control, in a cleanly state and free from obstruction, and to report forthwith to the occupier, owner or manager any defect in the same.

All the workmen employed or engaged in any room to which these Regulations apply upon any work whatsoever shall be jointly and severally responsible for the due carrying out of Regulation 3 (b) and (d) and also of Regulation 2 (c), and shall be severally responsible for the due carrying out of Regulation 3 (e).

Every occupier and manager of any factory to which these Regulations apply shall be bound to observe the same, and every person employed or engaged in any such factory shall be so bound, except in so far as any duty is hereinbefore expressly imposed on any other person.

In the application of these Regulations to tenement factories the owner or other person supplying the power shall for all the purposes aforesaid be substituted for the occupier, and so far as is necessary for such purposes the Special Regulations contained in Section 87 of the aforesaid Act shall be modified or extended.

1. No dry grinding and no finishing process, other than crocus polishing, included in Schedule 2, shall be done without the use of adequate appliances for the interception of the dust, as near as possible to the point of origin thereof, having regard to the nature and necessities of the process carried on, and for its removal and disposal so that it shall not enter any occupied room, and for the

purposes of this Regulation the appliances shall not be deemed adequate unless they either include—

- (a) A hood, or other appliance, so constructed, arranged and placed as substantially to intercept the dust thrown off ; and
- (b) A duct of adequate size, air-tight and so arranged as to be capable of carrying away the dust, which duct shall be provided with proper means of access for inspection and cleaning, and shall be kept free from obstruction ; and
- (c) A fan or other efficient means of producing a draught sufficient to extract the dust ;

Or are such as, in the case of the particular factory or part thereof, or of the particular manufacture, process or operation, in or for which they are used, shall be proved to be at least as effectual for such interception, removal and disposal as such hood, duct and fan would be.

2. The following precautions shall be observed in the racing of grindstones :

- (a) Suitable respirators shall be worn by all persons employed or engaged in racing, whether in a room or in the open air ; and
- (b) No persons shall do any work other than racing in a room in which racing is carried on, either at the time of racing or at any time thereafter until such cleansing as is next hereinafter mentioned shall have been done, except work required for the purposes of cleansing ; and
- (c) A sufficient interval after racing in a room shall first be allowed for the dust to subside, and then the floor, belt races, and uncovered part of the machinery and tools shall be cleansed in like manner as in Regulation 3 (b) provided.

Provided always that the above precautions need not be observed in case adequate appliances shall be used to prevent the escape of dust into the room, whether by means of a cover and exhaust draught, or by means of a stream of water directed upon the point of contact of the racing tool with the grindstone, or by other equivalent means.

3. In every room in which is carried on any wet grinding, dry grinding, or the racing of grindstones, or any process included in Schedule 2—

- (a) The floor and belt races shall be firm and capable of being cleansed ; and in the case of new buildings or extensions shall be water-tight ;

- (b) The floor, belt races, and uncovered parts of the machinery and tools shall at least once in each week, on a fixed day, be thoroughly cleansed from dust, and for the purpose of such cleansing the floor and belt races shall be damped or otherwise treated to prevent dust from rising ;
- (c) The walls and ceiling or top (whether they be plastered or not) shall, if they have not been painted with oil or varnished once at least within seven years, be lime-washed once at least every fourteen months, to date from the time when they were last limewashed ; and if they have been so painted or varnished, shall be washed with hot water and soap once at least every fourteen months, to date from the time when they were last washed ;
- (d) The windows shall be kept thoroughly clean ;
- (e) Each workman on finishing work for the day shall leave his workplace free from dust, and shall also cleanse the same from dust after every racing that shall be done in the room.

If at any time it shall be shown to the satisfaction of the Secretary of State in the case of any manufacture or process or any operation forming part thereof that either—

- (a) Dust is not created to an extent injurious to health ; or
  - (b) Injury to health is adequately prevented by other appliances, or under other conditions, than those prescribed by these Regulations ; or
  - (c) The application of these Regulations, or some part thereof, would for any reason be impracticable,
- the Secretary of State may, by Order, exempt such manufacture or process from the whole or any part of these Regulations, and either absolutely or subject to such conditions as may in such Order be prescribed, and may at any time amend or revoke such Order.

Regulations 2 and 3 came into force on the 1st day of December, 1909, and Regulation 1 on the 1st day of June, 1910.

#### *Schedule 1*

Every manufacture or process in the manufacture of—

- (a) Cutlery (including swords, bayonets, files, and saws).
- (b) Tools, or cutting or piercing instruments, of iron or steel ;  
except—
  - (1). The manufacture, repair, or sharpening of saws, tools, or instruments for use in machines for the cutting or working of metals, or for use in the factory or for the purposes of the work thereof ;
  - (2) The manufacture of needles, pins, and fish-hooks.

*Schedule 2*

The processes of—

Dry rough glazing in which emery or other similar abrading material is used without the admixture of grease ;

Any other finishing process, involving the abrasion of metal, in which dust is created to an extent injurious to health.

(20) *Factories and workshops or parts thereof (other than laboratories), in which any of the following processes are carried on, viz.: the smelting of materials containing lead, the manufacture of red or orange lead, the manufacture of flaked litharge.*

These Regulations came into force on October 1, 1911, except that so much of Regulations 2 and 3 as requires the provision of efficient exhaust draught came into force on May 1, 1912.

In these Regulations—

“ Lead material ” means :

(i.) Material containing not less than 5 per cent of lead, including lead ore, bullion ore (lead ore rich in precious metals), red lead, orange lead, and flaked litharge ; and

(ii.) Zinc ore, and material resulting from the treatment thereof, containing not less than 2 per cent of lead ; except ores which contain lead only in the form of sulphide of lead.

“ Furnace,” “ melting-pot,” “ retort,” “ condensing chamber ” mean structures as aforesaid which are used in the treatment of lead material.

“ Flue ” means a flue leading from a furnace.

“ Lead process ” means :

(i.) Manipulation, movement, or other treatment of lead material, whether by means of any furnace, melting-pot, retort, condensing chamber, flue, or otherwise ; and

(ii.) Cleaning or demolition of any furnace, melting-pot, retort, condensing chamber, flue, or part thereof ; or reconstruction thereof with material which has formed part of any such structure.

“ Surgeon ” means the Certifying Factory Surgeon of the district or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

“ Suspension ” means suspension from employment in any lead process by written certificate in the Health Register, signed by the Surgeon, who shall have power of suspension as regards all persons employed in any lead process.

“ Damp ” means sufficiently moist to prevent the escape of dust.

“ Efficient exhaust draught ” means localised ventilation effected by heat or mechanical means, for the removal of gas, vapour, fumes or dust so as to prevent them (as far as practicable under the atmospheric conditions usually prevailing) from escaping into the air of any place in which work is carried on. No draught shall be deemed efficient which fails so to remove smoke generated at the point where such gas, vapour, fumes or dust originate.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of every person employed to observe Part II. of these Regulations.

PART I.—1. Where a lead process is carried on so as to give rise to dust or fumes—

- (a) The floor, other than sand beds, shall be maintained in good condition ; and
- (b) The floor, except such portion as is permanently set apart for the deposit of lead material, shall be sprayed with water at least once a day.

2. (1) No lead material (other than ingots of metal) shall be deposited or allowed to remain on any part of the floor not permanently set apart for the purpose, and no lead material (other than ingots of metal) shall be moved to a furnace, unless such lead material is—

- (a) Damp ; or
- (b) Under an efficient exhaust draught ; or
- (c) So enclosed as to prevent the escape of dust into the air of any place in which work is carried on.

(2) Provided, however, that where none of the above conditions are practicable, lead material may be moved to a furnace by persons wearing suitable respirators.

3. None of the following processes shall be carried on except with an efficient exhaust draught :

Melting old or dirty scrap lead ;

Heating lead material so that vapour containing lead is given off ;

Cooling molten flaked litharge ;

or, unless carried on in such manner as to prevent escape of gas, vapour, fumes or dust into any place in which work is carried on—

Feeding any furnace or retort ;

Manipulating lead material in any furnace or retort ;

Removing lead material from any furnace or retort ;

Placing in any hopper or shoot, or packing, red or orange lead or flaked litharge.



4. No sack which has contained lead material shall be cleaned, and, except in the process of sampling, no lead material shall be broken up, crushed or ground, unless such sack or lead material is damp, or is placed in an apparatus so enclosed as to prevent the escape of dust.

5. No lead material giving off vapour containing lead shall be removed from the efficient exhaust draught required by Regulation 3, unless in a receptacle with an efficient cover.

6. No person shall be allowed to enter any furnace, melting-pot, retort, condensing chamber, or flue until it has been ventilated.

7. No person shall be allowed to remain in any flue (unless damp) or condensing chamber for more than three hours without an interval of at least half an hour.

8. There shall be provided suitable overalls for the use of all persons employed in any of the following processes ; which overalls, when required for such use, shall be washed, cleaned or renewed at least once every week :

- (a) Cleaning any flue (unless damp) or condensing chamber ;
- (b) Demolishing any part of a furnace, melting-pot, retort, condensing chamber, or flue unless either damp or under an efficient exhaust draught ;
- (c) Reconstructing any part of a furnace, melting-pot, retort, condensing chamber, or flue, with material which has formed part of any such structure, unless damp ;
- (d) Breaking up, crushing or grinding, in the process of sampling, lead material unless either damp or placed in an apparatus so enclosed as to prevent the escape of dust ;
- (e) Placing in any hopper or shoot, or packing, red or orange lead or flaked litharge.

9. There shall be provided suitable respirators for the use of all persons employed in any process named in Regulation 2 (2) or in Regulation 8 ; which respirators, when required for such use, shall be washed or renewed at least once every day.

10. No person under 16 years of age, and no female, shall be employed in any lead process.

11. There shall be provided and maintained for the use of all persons employed in any lead process—

- (a) A suitable meal-room, unless the works are closed during meal hours ;
- (b) A suitable place or places for clothing put off during working hours ; and
- (c) A suitable place or places for the storage of overalls provided in pursuance of Regulation 8 ; which place or places shall be separate from those required by paragraphs (a) and (b) of this Regulation ;



all of which shall be so located as not to be exposed to dust or fumes from any manufacturing process.

12. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in any lead process—

(a) A lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(i.) A trough with a smooth impervious surface, fitted with a waste-pipe without plug, and of such length as to allow at least 2 feet for every five such persons employed at any one time, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet ; or

(ii.) At least one lavatory basin for every five such persons employed at any one time, fitted with a waste-pipe and plug, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on, and a supply of hot water always at hand when required for use by such persons ; and

(b) Sufficient and suitable bath accommodation (douche or other) with hot water laid on, unless the water-supply provided under paragraph (a) is so arranged that a warm douche for the face, neck and arms can be taken.

Provided that, when the number of persons so employed at any one time is temporarily increased by reason of flue cleaning, it shall not be necessary to provide (by reason only of such temporary increase) additional accommodation in pursuance of paragraph (a) of this Regulation if adequate time is allowed to all such persons for washing immediately before each meal (in addition to the regular meal times) and immediately before the end of the day's work.

13. (a) Every person employed in a lead process shall be examined by the Surgeon once in every calendar month (or at such shorter or longer intervals as may be prescribed in writing by the Chief Inspector of Factories) on a date of which due notice shall be given.

(b) A Health Register containing the names of all persons employed in any lead process shall be kept in a form approved by the Chief Inspector of Factories.

(c) No person after suspension shall be employed in any lead process without written sanction from the Surgeon, entered in the Health Register.

PART II.—14. (a) Every person employed in any lead process

shall deposit in the place or places provided in pursuance of Regulation 11 (b) all clothing put off during working hours.

(b) Every person for whose use an overall is provided in pursuance of Regulation 8 shall wear the overall when employed in any process named in that Regulation, and remove it before partaking of food or leaving the premises, and deposit it in the place provided under Regulation 11 (c).

(c) Every person for whose use a respirator is provided in pursuance of Regulation 9, shall wear the respirator while employed in any process to which Regulation 2 (2) or Regulation 8 applies.

15. No person employed shall introduce, keep, prepare, or partake of any food or drink (other than a non-alcoholic drink approved by the Surgeon), or make use of tobacco, in any place in which any lead process is carried on ;

Provided that, except in processes named in Regulation 8, this Regulation shall not prevent any person from using tobacco, other than a cigar or cigarette, if his hands are free from lead.

16. Every person employed in any lead process, or in any place where any lead process is being carried on, shall, before partaking of food, wash the face and hands, and before leaving the premises, wash the face, neck, and arms, in the lavatory provided in pursuance of Regulation 12.

17. Every person employed in any lead process shall present himself at the appointed time for examination by the Surgeon, in pursuance of Regulation 13 (a).

18. No person employed shall, after suspension under these Regulations or under any other Regulations or Special Rules applying to factories or workshops where any process involving the use of lead is carried on, work in any lead process without written sanction from the Surgeon, entered in the Health Register.

19. No person employed shall interfere in any way, without the concurrence of the occupier or manager, with the means provided for the removal of gas, vapour, fumes, and dust, and for the carrying out of these Regulations.

*(21) Factories and workshops or parts thereof in which is carried on the process (in these Regulations referred to as bronzing) of applying dry metallic powders to, or dusting them off from, surfaces previously printed or otherwise prepared, in letterpress printing, or lithographic printing, or coating of metal sheets.*

These Regulations came into force on June 1, 1912.

1. Regulation 2 shall not apply to bronzing by hand for the purpose of proof-pulling ;

2. Exemption shall be allowed from Regulation 2 on not more than two days in any week, and on not more than fifty days in any calendar year, subject to the following conditions :

- (a) Notice, in the prescribed form and with the prescribed particulars, shall be affixed in the factory or workshop not less than seven days before use is first made of the exemption, and shall be kept so affixed as long as the exemption is used ; and a copy of such notice shall at the same time be forwarded to the Inspector for the district ;
- (b) The prescribed particulars shall be entered in the prescribed register before the commencement of the work on each day on which any use is made of the exemption ; and any day in respect of which such entry is made shall be counted as a day on which this exemption has been used ; and
- (c) At least one day shall intervene between any two days on which this exemption is used.

In these Regulations—

“Efficient exhaust draught” means localised ventilation effected by mechanical means for the removal of dust so as to prevent it as far as practicable from escaping into the air of any occupied room. No draught shall be deemed efficient which fails so to remove smoke generated at the point where such dust originates.

It shall be the duty of the occupier to observe Part I. of these Regulations, and the conditions attached to Exemption 2 as above, if used by him.

It shall be the duty of every person employed to observe Part II. of these Regulations.

PART I.—1. Bronzing by machine shall not be done except under such conditions as to prevent as far as practicable the escape of dust into the air of any occupied room.

2. Subject to the exemptions hereinbefore mentioned, bronzing by hand shall not be done except in connexion with—

- (a) An efficient exhaust draught, or
- (b) An appliance so constructed as to prevent as far as practicable the escape of dust into the air of any occupied room.

3. There shall be provided and maintained in a cleanly state and in good repair, for the use of all persons employed in bronzing, a lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

- (a) A trough with a smooth impervious surface, fitted with a waste-pipe without plug, and of such length as to allow at least 2 feet for every five such persons, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet ; or

- (b) At least one lavatory basin for every five such persons, fitted with a waste-pipe and plug or placed in a trough having a waste-pipe, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on and a supply of hot water always at hand when required for use by such persons.

4. There shall be provided—

- (a) Suitable overalls for all persons employed in bronzing and head-coverings for females employed in bronzing, which shall be collected at the end of every day's work, and be washed or renewed at least once every week ;

- (b) For all persons employed in bronzing, a suitable place or places for clothing put off during working hours.

PART II.—5. Every person employed in bronzing shall—

- (a) Wash the face and hands before partaking of any food or leaving the premises ;

- (b) Wear the overalls provided in pursuance of Regulation 4 (a) ;

- (c) Deposit clothing put off during working hours in the place or places provided in pursuance of Regulation 4 (b) ;

and every female employed in bronzing shall wear the head-coverings provided in pursuance of Regulation 4 (a).

6. No person employed shall—

- (a) Introduce, keep, prepare, or partake of any food or drink (other than milk or tea provided by the occupier) in any part of the factory or workshop in which bronzing is carried on ;

- (b) Make use of tobacco in any part of the factory or workshop in which bronzing is being carried on ;

- (c) Interfere in any way without the concurrence of the occupier or manager with the means and appliances provided for the removal of dust, and for carrying out these Regulations.

*(22) Factories and workshops in which the manufacture or decoration of pottery or any process incidental thereto is carried on ; including factories and workshops in which lithographic transfers, frits, or glazes are made for use in the manufacture or decoration of pottery.*

Provided that, if at any time it is shown to the satisfaction of the Secretary of State in the case of any manufacture or process or any operation forming part thereof, that injury to health is adequately prevented by other appliances or under other con-

ditions than those prescribed by these Regulations, he may, by Order, modify the whole or any part of the Regulations, so far as they apply to such manufacture or process. Any such Order may be revoked, modified, or extended by further Order.

And provided, further, in regard to Regulation 10 (a), the Secretary of State may, by Order—

- (i.) Grant exemptions from this Regulation in the case of any special branch of the industry if it can be shown that every means has been tried for the purpose of conforming to the prescribed limit ;
- (ii.) Substitute a limit higher than 70° Fahrenheit in the case of printing or other specified shops, if it can be shown to be necessary.

In these Regulations—

“ Pottery ” includes earthenware, china, tiles, and any other articles made from clay, with or without the addition of other material.

“ Coarse ware ” means pottery not shaped by compression of powdered material, and not fired more than once in the process of manufacture.

In the case of a fireclay works in which the ware is generally fired only once, the whole of the works may, with the approval in writing of the Chief Inspector of Factories, be regarded as a coarse ware factory, notwithstanding that some of the clay ware is hardened by fire before any slip or body coating is applied to the fireclay body ; subject, however, to the following conditions :

- (i.) No slip or body coating shall be applied before such hardening ;
- (ii.) Neither the ware so hardened nor any subsequently applied slip or body coating shall be sandpapered or treated by any other process which would generate dust ;
- (iii.) The approval of the Chief Inspector of Factories shall be kept attached to the general register, and shall be subject to the further conditions, if any, specified therein, and shall be revocable by further notice in writing.

“ Leadless glaze ” means a glaze which does not contain more than 1 per cent of its dry weight of a lead compound calculated as lead monoxide.

“ Low solubility glaze ” means—

(1) A glaze which does not yield to dilute hydrochloric acid more than 5 per cent of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described below ; or

(2) A glaze containing no lead or lead compound other than galena.

A weighed quantity of dried material is to be continuously shaken for one hour, at the common temperature, with 1000 times its weight of an aqueous solution of hydrochloric acid containing 0·25 per cent of HCl. This solution is thereafter to be allowed to stand for one hour, and to be passed through a filter. The lead salt contained in an aliquot portion of the clear filtrate is then to be precipitated as lead sulphide, and weighed as lead sulphate.

“ Galena ” means the native sulphide of lead containing not more than 5 per cent of a soluble lead compound calculated as lead monoxide when determined in the manner described in the definition of low solubility glaze. Galena shall not for the purpose of these Regulations be deemed to be an unfritted lead compound.

“ Leadless glaze factory ” means a factory the occupier of which has given an undertaking, to the satisfaction of the Chief Inspector of Factories, that none but leadless glaze shall be used therein, and in which none but leadless glaze is in fact used.

“ Low solubility glaze factory ” means a factory the occupier of which has given an undertaking, to the satisfaction of the Chief Inspector of Factories, that none but low solubility glaze shall be used therein, and in which none but low solubility glaze is in fact used.

“ Majolica painting ” includes painting in majolica or other glaze.

“ Surgeon ” means the Certifying Factory Surgeon of the district, who shall have, as regards all persons examined by him in pursuance of these Regulations, power of suspension and of permission to work by certificate, which may either be entered in the health register by the Surgeon personally, or be sent by him to the occupier.

“ Entered in the health register ” means—

(a) Entered in the prescribed register kept at the factory in pursuance of Regulation 3 ; or

(b) Entered in the portable register prescribed for the use of casual workers.

“ Suspension ” means suspension by signed certificate of the Surgeon, from employment in any process in which examination by the Surgeon is required by these Regulations.

“ Permission to work ” means permission, by signed certificate of the Surgeon, either—

(a) Terminating a suspension, or

(b) Permitting employment of a certain specified kind.

“ Potters' shops ” includes any place where tiles or other

articles are made by pressing clay dust, as well as every place where articles of pottery are shaped by a plastic or other process.

“ Wedging of clay ” means the treatment of clay which has not been pugged or rolled, by raising one piece of clay by hand and bringing it down upon another piece ; but does not include the process, frequently known as “ slapping of clay,” in which two pieces of clay, each small enough to be held in one hand, are slapped together.

“ Workroom ” shall not, for the purposes of Regulation 10, include any stove or drying chamber which is not entered by workers except for the purpose of carrying ware in or out or turning it.

“ Bedding ” means the placing of flat ware in powdered flint for the biscuit firing when the sagger or box containing the ware is filled up with powdered flint.

“ Flinting ” means the placing of flat ware in powdered flint for the biscuit firing when the sagger or box containing the ware is not filled up with powdered flint.

“ Scouring ” includes fine brushing, as well as sandpapering, brushing, and every other scouring process, as applied to biscuit ware.

“ Stopping of biscuit ware ” means the filling up of cracks in ware which has been fired once and before glaze is applied to it.

“ Glost placing ” includes the operations of carrying saggars of ware into the glost oven and carrying them out again after the glost firing, as well as the operation of placing the ware in the saggars for glost firing ; but not placing of ware on cranks or similar articles prior to their transfer to saggars or kilns by other persons.

“ Flow material ” means any material containing lead, which is placed in saggars with a view to its entire or partial volatilisation during the glost firing of the ware.

“ Thimble picking ” means the picking over, sorting, or rearranging for further use, of thimbles, stilts, spurs, strips, saddles, or any similar articles which have been used for the support of articles of pottery during the process of glost firing.

“ Efficient exhaust draught,” used in connection with a process, means an exhaust draught which effectually removes, as near as possible to the point of origin, the dust generated in the process. No draught shall be deemed to be efficient which fails effectually to remove smoke generated at any point where dust originates in the process.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of all persons employed to observe Part II. of these Regulations.



1. The following Regulations <sup>1</sup> and parts of Regulations shall not apply to leadless glaze factories :

Paragraphs ii., iii., vi., vii. of Regulation 1 a ;

Regulations 1 f, 1 g, 1 h, 1 k ;

Paragraph xii. of Regulation 7 a ;

Regulations 7 h, 7 k, 7 l ;

Paragraph ii. of Regulation 8 a ;

Regulation 12 b, so far as regards the processes marked a and c in the Schedule ;

Regulations 12 d, 14, 15 a, 15 b, 16, 17 a, 17 b, 18 ;

Regulation 19, so far as regards factories in which flow material is not used ;

Regulation 20 ;

Regulation 24 a, so far as regards threading up, and so far as regards thimble picking in factories in which flow material is not used ;

Regulations 35 a, 35 b ;

Regulations 1, 2, 3, 4, 5, 6, 11, 13, 17, 24, 25 (except 25 a, 25 f, 25 g), 26, 29, 30, 31, 33, 35, so far as regards the processes marked a, b, c, d, e, f, g in Part I. of the Schedule.

2. The following Regulations <sup>2</sup> and parts of Regulations shall not apply to low solubility glaze factories :

Paragraph iii. of Regulation 1 a ;

Regulations 1 f, 1 g, 1 h ;

Paragraph xii. of Regulation 7 a ;

Regulation 7 k ;

Regulation 12 b, so far as regards the process marked c in Part I. of the Schedule ;

Regulations 12 d, 15 a, 15 b, 16 ;

Regulation 19, so far as regards factories in which flow material is not used ;

Regulation 24 a, so far as regards threading up, and so far as regards thimble picking in factories in which flow material is not used ;

Regulations 2, 3, 29, so far as regards the processes marked b, c, d, e, f, g in Part I. of the Schedule.

If the occupier of a low solubility glaze factory satisfies the Chief Inspector of Factories that leadless glaze is used for a substantial part of the output, the Regulations and parts of Regulations named in Exemption 1 (except so far as regards the preparation or manufacture of frits or glazes) shall not apply to such

<sup>1</sup> The Regulations in question are marked \* ; or in case of partial or conditional exemption (\*).

<sup>2</sup> The Regulations in question are marked † ; or in case of partial or conditional exemption (†).



factory unless and until so required by notice in writing from the Chief Inspector of Factories.

3. The following Regulations <sup>1</sup> and parts of Regulations shall not apply, unless and until so required by notice in writing from the Chief Inspector of Factories, to the manufacture of coarse ware in factories in which no pottery other than coarse ware is made :

Paragraphs i., iv., vii., viii. of Regulation 1 a ;

Regulations 7 a (except paragraph xii.), 7 e, 7 f, 7 g ;

Regulations 9, 10, 12 (except 12 f and 12 g), 13, 14 c, 16, 18, 19, 20, 21, 22, 23, 24 a ;

All Regulations so far as regards the processes marked h, k, l, m, n, o, p, q, r, s in the Schedule.

Nothing in Regulations 4, 5, 6, 8, 14, 17, 25, 30, 31, or 35 shall apply to leadless glaze factories or low solubility glaze factories in which no pottery other than coarse ware is made.

4. Nothing in these Regulations shall apply to the manufacture of—

Sanitary or drain pipes ; or

Bricks, glazed or unglazed ; or

Unglazed or salt-glazed coarse ware in a factory in which no other pottery is made.

Nothing in these Regulations (except Regulation 28) shall apply to the manufacture of architectural terra-cotta, glazed or unglazed, made from plastic clay in a factory in which no lead is used.

5. Nothing in Regulations 4 and 30 shall be deemed to require overalls or head-coverings to be provided for, or worn by, any man during the time he is engaged in drawing a glost oven.

Nothing in Regulations 12 or 13 shall be deemed to require the use of moisture in cleaning floors or work benches in lithographic transfer-making shops.

6. Men employed only as glost drawers shall not be deemed to be employed in a process included in Part I. of the Schedule if they do not work in any place in which a process named in Part I. of the Schedule is being carried on.

PART I.—DUTIES OF OCCUPIERS.—I. (a) No woman, young person, or child shall be employed in the following processes :

‡ (i.) Stopping of biscuit ware with a material which yields to dilute hydrochloric acid more than 5 per cent of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described in the definition of low solubility glaze ;

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<sup>1</sup> The Regulations in question are marked ‡ ; or in case of partial or conditional exemption (‡).

- \* (ii.) Weighing out, shovelling, or mixing of unfritted lead compounds in the preparation or manufacture of frits, glazes, or colours ;
- \*† (iii.) Lawning of glaze, except where less than a quart of glaze is lawned at a time for the worker's own use ;
- † (iv.) Preparation or weighing out of flow material ;
- (\*) (†) (v.) Cleaning, as prescribed in Regulation 12, of floors of potters' shops or stoves or any place in which any process included in the Schedule is carried on ;
- \* (vi.) Cleaning, as prescribed in Regulation 17, of boards used in the dipping house, dippers' drying room, ware cleaning room, or glost placing shop ;
- \*† (vii.) Cleaning of mangles or any part thereof ;
- † (viii.) Washing of saggers with a wash which yields to dilute hydrochloric acid more than 5 per cent of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described in the definition of low solubility glaze.

(b) No young person or child, other than a male young person who wedges clay only for his own use, shall be employed in the wedging of clay ; and no woman shall be so employed without a certificate of permission to work.

(c) No young person or child shall be employed in the carrying of clay, or other systematic carrying or lifting work, without a certificate of permission to work, specifying the maximum weight which he or she may carry ; and no young person or child so employed shall be allowed to lift or carry any weight in excess of that named in the certificate. Provided that :

(i.) No certificate shall permit the carrying of more than 30 lbs. by any one under 16 years of age ; and

(ii.) No girl under 16 years of age and no boy under 15 years of age shall be allowed to carry clay, except that such a worker who is working for himself or herself, and is not an attendant of another worker, shall be allowed to carry such clay as is to be used by himself or herself in making articles of pottery.

(d) No female shall be employed for more than seven days as a wheel-turner for a thrower without a certificate of permission to work.

(e) No girl under 16 years of age shall be employed as a lathe treader.

\*† (f) No young person or child shall be employed as a dipper.

\*† (g) No girl under 17 years of age and no boy under 16 years of age shall be employed as a dipper's assistant or ware cleaner.

\*† (h) No woman, young person, or child shall be employed

as a glost placer, except in the placing of china furniture or electrical fittings ; and no girl under 17 years of age and no boy under 16 years of age shall be employed as a glost placer in the placing of china furniture or electrical fittings. Except that male young persons over 16 years of age may be employed in the process of glost placing for the purpose of preparing saggars and assisting in the sagger-house during the drawing of ovens, provided that they shall not place any ware in the saggars.

\* (k) In low solubility glaze factories :

(i.) No person under 16 years of age shall be employed as a dipper ;

(ii.) No person under 15 years of age shall be employed as a dipper's assistant, ware cleaner, or glost placer.

(\*) (†) (l) Except as provided in Regulation 1 (k) (ii.) no person under 16 years of age shall be employed in any process included in Part I. of the Schedule ; and no person under 15 years of age shall be employed in any process included in Part II. of the Schedule.

(m) No female shall carry a sagger full of ware ; but

(i.) The moving of such a sagger from one part of a bench to a contiguous part of the same bench on the same level ; or

(ii.) The moving of such a sagger by any two females from a bench to the nearest convenient floor space in the same workroom if no saggars so moved are piled to a greater height than 4 feet,

shall not be deemed to be a contravention of this requirement.

2. (\*) (†) (†) (a) All persons employed in any process included in Part I. of the Schedule shall be examined once in each calendar month by the Surgeon ; and all persons employed in any process included in Part II. of the Schedule shall be examined once in every twelve months by the Surgeon.

(b) All persons for whom certificates of permission to work are required by Regulation 1 shall be examined by the Surgeon within seven days of the commencement of their employment in a process in which such a certificate is required.

(c) All young persons and children employed in the carrying of clay, or other systematic carrying or lifting work, shall be re-examined by the Surgeon twice in the first period of six months, and once in each period of six months thereafter until they attain the age of 18.

(d) Any female examined for employment as a wheel-turner shall be presented for re-examination at a later date, if the Surgeon considers it necessary.

(\*) (†) (†) (e) The fees for all medical examinations made in

pursuance of these Regulations shall be paid by the employer and shall not be charged to the worker, whether he be in regular or casual employment. Provided that casual workers examined at the Surgeon's surgery shall pay a fee of one shilling for each certificate entered in the portable register; this fee shall be refunded by the occupier who first employs the worker after such examination; and the occupier shall record in the portable register the fact that the fee has been refunded.

(\*) (†) (‡) (f) A notice shall be affixed in a prominent place in the factory, showing clearly the time appointed for the Surgeon's periodical visit; and an amending notice shall be affixed forthwith if it is found necessary to alter the date or hour, wherever possible, not less than three days' notice of a change of date shall be given.

(\*) (†) (‡) (g) A private room shall be provided for all medical examinations. No one shall be present except such other medical man as the Surgeon may, with the worker's consent, admit; and in addition, in the case of a female any one female relative may be present, or alternatively any one workwoman in the factory approved by the worker and the Surgeon.

(\*) (†) (‡) (h) No person after suspension shall be allowed to work in any process in which examination by the Surgeon is required by these Regulations without a certificate of permission to work.

3. (\*) (†) (‡) (a) A register, in the form or forms prescribed, shall be kept, in which the Surgeon may enter the dates and results of his visits, the number of persons examined in pursuance of these Regulations and particulars of any directions given by him. This register shall contain a correct list of all persons employed in the processes included in the Schedule, and of all persons for whom a certificate has been obtained in pursuance of Regulation 1; as well as all other particulars required to be entered in the register in pursuance of these Regulations.

(\*) (†) (‡) (b) The register shall be open to the inspection of any worker so far as concerns the entries relating to that worker. All such entries as indicate the general health of the worker shall be so expressed as to be readily understood both by occupiers and persons employed.

(\*) (†) (‡) (c) When a certificate of suspension or permission to work is sent by the Surgeon to the occupier, it shall be forthwith attached to the register, and shall be kept so attached until replaced by a personal entry by the Surgeon in the register.

4. (\*) (†) (‡) (a) The occupier shall provide and maintain suitable overalls and head-coverings for all persons employed in the processes included in the Schedule; except that head-coverings

need not be provided for persons employed in majolica painting or glost placing.

(\*) (†) (b) Head-coverings shall be adequate to protect the hair from dust, and shall be worn in such a manner as to be effective for this purpose.

(\*) (c) The occupier shall provide and maintain suitable aprons of a waterproof or similar material which can be sponged daily, for all dippers, dippers' assistants, and ware cleaners ; provided that, if the front of the overall supplied to any such worker in pursuance of these Regulations is made of a material which can be sponged daily, no separate apron need be provided for that worker.

(\*) (†) (d) No person shall be allowed to work in any process included in the Schedule without wearing the above-named overalls and head-coverings, as well as aprons when provided in pursuance of the preceding paragraph ; except that head-coverings need not be worn by persons employed in majolica painting or glost placing.

(\*) (e) All aprons made of waterproof or similar material and all overalls or parts of overalls made of such material shall be thoroughly cleaned daily by the wearers by sponging or other wet process. All other overalls or parts of overalls and all head-coverings shall be washed or renewed at least once a week ; and the occupier shall provide for washing, renewal, and necessary repairs of all overalls and head-coverings to be done either at the factory or at a laundry ; and no worker shall be allowed to take home any overalls, head-coverings, or aprons provided in pursuance of these Regulations.

(\*) (†) (f) All overalls, head-coverings, and aprons provided in pursuance of these Regulations, when not in use or being washed or repaired, shall be kept in proper custody ; for this purpose there shall be provided a cupboard or cupboards or room or rooms suitably situated and sufficiently large to hold the overalls, head-coverings, and aprons ; a separate peg shall be provided for each worker who is required by these Regulations to wear overalls.

5. (\*) (†) (a) A cupboard or cupboards or room or rooms shall be provided for workers to deposit clothing put off during working hours ; the accommodation provided for this purpose shall be sufficient to hold the outdoor clothing of all workers who are required by these Regulations to wear overalls, and a separate peg shall be provided for each such worker ; all such cupboards or rooms shall be entirely separated from any source of lead or other dust, and from any place provided for the keeping of overalls, head-coverings, or aprons, and shall be kept thoroughly clean by the occupier.

(\*) (†) (b) The occupier shall make adequate provision for drying such outdoor clothing, if wet, during the time it is put off in working hours ; this provision shall not be made in any place where there is any source of lead or other dust, or in any place provided for the keeping of overalls, head-coverings, or aprons, or in any mess-room provided in pursuance of these Regulations, unless such provision consists of cupboards arranged against the wall and ventilated directly to the outside air, in which case the space occupied by such cupboards shall not be deemed to be part of the mess-room accommodation, and the provision shall be subject to the approval of the Inspector of Factories for the district.

6. (\*) (†) (a) No person shall be allowed to keep, or prepare, or partake of any food, drink, or tobacco, or to remain during meal-times in any place in which is carried on any process included in the Schedule, or the process of towing, or the process of tile-making by the compression of dust, or any other process which the Inspector of Factories for the district shall certify as sufficiently dusty to render the room in which it is carried on an unsuitable place, in his opinion, for persons to remain during meal-times.

(\*) (†) (b) Mess-room accommodation shall be provided for the workers employed in the processes included in the Schedule, and for such others as are excluded from their own workrooms during meal-times in pursuance of paragraph (a) of this Regulation.

(\*) (†) (c) This accommodation shall consist of a clean, well-ventilated, and well-lighted room or rooms in which no manufacturing process is carried on ; it shall be at or near the factory, and shall be sufficiently large to accommodate all the workers employed in the processes included in the Schedule and all others who are excluded from their own workrooms during meal-times in pursuance of paragraph (a) of this Regulation, allowing floor space in accordance with the following scale :

In mess-rooms for—

6 persons and under	.	.	.	.	10½ sq. ft. per person.
Over 6 persons and up to 12	.	.	.	.	7½ „ „
„ 12 „ „ 20	.	.	.	.	6 „ „
„ 20 „ „ 28	.	.	.	.	5½ „ „
„ 28 „ „ any number	.	.	.	.	5 „ „

(\*) (†) (d) Provided that if the Inspector of Factories for the district shall certify that in his opinion the special circumstances of any factory are such as to render the provision of mess-room accommodation for all such workers unnecessary, it shall be sufficient to provide accommodation, calculated on the above

scale, for such a proportion of all such workers as is named on the certificate of the Inspector ; but in no case shall this proportion be less than one-third, subject, in cases of difficulty, to appeal to H.M. Chief Inspector of Factories ; and the Inspector for the district shall have the right, at any time, to cancel or amend any such certificate.

(\*) (†) (e) All mess-rooms provided in pursuance of this Regulation shall be furnished with proper tables and seats ; provision shall be made for maintaining a proper temperature not below 55 degrees Fahrenheit ; and all mess-rooms shall be thoroughly cleaned daily at the occupier's expense.

(\*) (†) (f) No person shall be allowed to take into a mess-room any overall, head-covering, or apron, worn in a process included in the Schedule.

(\*) (†) (g) The washing conveniences prescribed by the Regulations shall not be maintained in any mess-room.

(\*) (†) (h) A suitable place for the deposit of food shall be provided for each worker using the mess-room. Such provision shall not be made in a room in which any manufacturing process is carried on, and shall be subject in each case to the approval of the Inspector of Factories for the district.

(\*) (†) (k) Adequate facilities shall be provided to enable work-people to heat their food.

(\*) (†) (l) A supply of milk, or cocoa made with milk, shall be provided for all women and young persons working in processes included in Part I. of the Schedule, who commence work before 9 A.M. Not less than half a pint shall be provided for each such worker at the expense of the occupier.

7. (a) The following processes shall not be carried on without the use of an efficient exhaust draught :

† (i.) The fettling of flat ware, whether china or earthenware, by towing or sandpapering, provided that this shall not apply to the occasional finishing of pieces of china or earthenware without the aid of mechanical power ;

† (ii.) The sand-sticking of sanitary ware ;

† (iii.) Any other process of fettling on a wheel driven by mechanical power, except where :

(a) The fettler is fettling, as an occasional operation, only ware of his or her own making ; or

(b) The fettling is done wholly with a wet sponge or other moist material ; or

(c) The fettling is done by the worker who has made the articles, whilst the latter are still in a moist state.



- ‡ (iv.) The sifting of clay dust for making tiles or other articles by pressure, except where :
  - (a) This is done in a machine so enclosed as effectually to prevent the escape of dust ;
  - or
  - (b) The material to be sifted is so damp that no dust can be given off.
- ‡ (v.) The pressing of tiles from clay dust, an exhaust opening being connected with each press ; this clause shall also apply to the pressing from clay dust of articles other than tiles, unless the material is so damp that no dust is given off.
- ‡ (vi.) The fettling of tiles made from clay dust by pressure, except where the fettling is done wholly on or with damp material ; this clause shall also apply to the fettling of other articles made from clay dust, unless the material is so damp that no dust is given off.
- ‡ (vii.) The processes of bedding and flinting.
- ‡ (viii.) The brushing of earthenware biscuit, unless the process is carried on in a room provided with efficient general mechanical ventilation or other ventilation which is certified by the Inspector of Factories for the district as adequate, having regard to all the circumstances of the case.
- ‡ (ix.) Scouring of biscuit ware which has been fired in powdered flint, except where this is done in machines so enclosed as effectually to prevent the escape of dust.
- ‡ (x.) Batting of biscuit ware which has been fired in powdered flint.
- ‡ (xi.) Glaze blowing.
- \* ‡ (xii.) Ware cleaning after the application of glaze by dipping or other process, except as set forth later in this Regulation.
- ‡ (xiii.) The preparation or weighing out of flow material which yields to dilute hydrochloric acid more than 5 per cent of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described in the definition of low solubility glaze.
- ‡ (xiv.) The lawning of dry colours, except where not more than an ounce at a time is lawned for use in painting.
- ‡ (xv.) Ground laying, including the wiping off of colour after its application to the surface of the ware.



- ‡ (xvi.) Colour dusting, whether under-glaze or on-glaze, including the wiping off of colour after its application to the surface of the ware.
- ‡ (xvii.) Colour blowing or ærographing, whether under-glaze or on-glaze, including the wiping off of colour after its application to the surface of the ware.
- ‡ (xviii.) The making of lithographic transfers, including the wiping off of colour after its application to the surface of the transfer sheets.

(b) In the process of mould-making every bin or similar receptacle used for holding plaster of Paris shall be provided with an efficient exhaust draught, so arranged as to prevent the escape of plaster of Paris dust into the air of the workplace ; except where a cover is provided for the bin or other receptacle, and the plaster of Paris is conveyed in a sack, the mouth of which is tied and only loosened after it has been placed in the bin or other receptacle.

(c) The dry grinding of materials for pottery bodies shall be done either with an efficient exhaust draught for the removal of dust, or in machines so enclosed as effectually to prevent the escape of dust ; except that it shall not be deemed necessary in pursuance of this Regulation to provide an exhaust draught to remove small amounts of dust given off at the hopper of an enclosed machine in the course of feeding the same, if an outlet into an exhaust duct or to the outside air is fitted to the receptacle into which the powdered material is delivered.

(d) In the process of sand-sticking of sanitary ware, suitable provision shall be made for collecting any material which falls on the floor.

‡ (e) In the process of making tiles from clay dust by pressure, supplies of material shall be conveyed to the work benches in such a manner as to disperse as little dust as possible into the air ; clay dust shall not be carried into any press shop in sacks except where hoppers or similar receptacles are provided for receiving the clay dust, in which case a sack in sound repair shall be used and the mouth of the sack shall be tied and only loosened after it has been placed in the hopper or other receptacle, which shall be provided with a cover. This clause shall also apply to the making from clay dust of articles other than tiles, unless the material is so damp that no dust is given off.

‡ (f) After one year from the date on which these Regulations come into force, biscuit flat ware which has been bedded for firing shall not be removed from the saggars after firing, except at a bench fitted with an efficient exhaust appliance for the removal of dust.

‡ (g) Flat-knocking and fired-flint-sifting shall be carried on

only in enclosed receptacles, which shall be connected with an efficient exhaust draught, unless so contrived as to prevent effectually the escape of dust.

\* (h) In the process of ware cleaning of earthenware after the application of glaze by dipping or other process, wherever it is practicable to use damp sponges or other damp materials they shall be provided in addition to the knife or other instrument, and shall be used.

\*† (k) Nothing in these Regulations shall render it compulsory to provide an exhaust draught for ware cleaning if this process is carried on entirely with the use of wet materials ; or if the ware cleaning be done within 15 minutes after the moment when the glaze was applied ; but an efficient exhaust draught shall always be provided and used if any dry materials or implements, such as knives or scrapers, are used after the glaze is dry or more than 15 minutes after the moment when the glaze was applied.

\* (l) In the process of ware cleaning, after the application of glaze by dipping or other process, sufficient arrangements shall be made for any glaze scraped off, which is not removed by the exhaust draught, to fall into water. All water troughs or other receptacles provided in pursuance of this clause shall be cleaned out and supplied with fresh water as often as necessary, and in no case less often than once a week ; and no scrapings of glaze shall be allowed to collect in a dry condition on the sides of the water receptacle. Where grids or gratings are fitted over the water trough or other receptacle named in the foregoing paragraph, they shall be kept clean by repeated sponging or wiping with wet material during the time that the process of ware cleaning is being carried on. No boards or other articles shall be placed, even temporarily, on any such water trough in such a way as to interfere with the efficient use of the trough.

(m) In all processes the occupier shall, as far as practicable, adopt efficient measures for the removal of dust and for the prevention of any injurious effects arising therefrom.

(n) Every process for which an exhaust draught is prescribed shall be carried on inside a hood or exhaust funnel ; provided that, where the occupier can show that this is impracticable, it shall be sufficient if the work is done within the effective range of an exhaust opening.

8. (a) No person shall be allowed to work without wearing a suitable and efficient respirator, such as a damp sponge tied across the mouth and nostrils, in any of the following processes :

- (i.) The emptying of sacks of plaster of Paris into a bin in a mould-making shop ;

- \* (ii.) The weighing out, shovelling, or mixing of unfritted lead compounds, in the preparation or manufacture of frits, glazes, or colours containing lead, or any process carried on in a room wherein any such weighing out, shovelling, or mixing has taken place within the previous 30 minutes ;

unless an efficient exhaust draught is provided to prevent the escape of dust into the air of the workplace.

(b) All respirators required by this Regulation shall be provided and maintained in a cleanly state by the occupier ; and each respirator shall bear the distinguishing mark of the worker to whom it is supplied.

9. ‡ (a) Every place in which any worker or workers are employed shall be thoroughly ventilated.

‡ (b) All workrooms in which articles are left to dry shall be ventilated in such a way as to ensure a continuous movement of the air in the room in a direction away from the workers and towards the articles in question.

‡ (c) All drying stoves shall be ventilated direct to the outside air by shafts having upward inclinations and terminating vertically, or by louvres in the roof, or by other effective means.

‡ (d) All mangles shall be so ventilated as to provide for the maintenance of a flow of air into the hot chamber from the adjoining workroom.

In the case of vertical or " tower " mangles :

(i.) The pipes for heating the mangle shall be fixed above the top of any opening at which workers put in or take off ware ; and

(ii.) There shall be a free outlet into the air above, so formed and placed as to ensure an outflow whatever the direction of the wind.

‡ (e) Fresh air shall, where practicable, be admitted to all workrooms by inlets placed along the sides of the room at a height of as nearly as possible 6 feet above the floor level, hopper openings being used for the purpose wherever possible.

‡ (f) Where it is not practicable to provide such fresh air inlets arrangements shall be made for the entry of an adequate amount of pure air by a flue with apertures at intervals along its length, or other means, which will secure an even distribution of the air through the room.

‡ (g) In no case shall fresh air inlets be so arranged that a draught can blow direct from them on to any worker.

‡ (h) Wherever the natural air currents are found to be insufficient without assistance to afford thorough ventilation, exhaust fans or other artificial means of creating a current of air shall be provided and maintained in use.

‡ (k) Where an exhaust draught is provided for the removal of dust generated in a manufacturing process, precautions shall be taken to prevent dust being drawn into the general atmosphere of the room from other sources of dust in places in the vicinity ; communication with such places shall be stopped wherever possible, and the fresh air inlets hereinbefore mentioned shall be so arranged as to ensure that no extraneous dust is drawn towards the workers by the exhaust draught.

10. ‡ (a) Such a condition of the atmosphere shall be maintained in all workrooms that the reading of the wet-bulb thermometer shall not exceed 70° Fahrenheit, except at such times as the reading of the wet-bulb thermometer in the shade in the open air exceeds 65° Fahrenheit.

‡ (b) A thermometer, suitably mounted for observing the wet-bulb reading, shall be provided in every workroom in which any articles are allowed to dry, or in connection with which artificial heat is used in aid of the manufacturing process, whether in the workroom itself or in drying stoves or mangles or other appliances adjoining the workroom.

‡ (c) Wherever steam or hot-water pipes pass through a workroom they shall be efficiently protected, and if not used for the purpose of heating that room, they shall be efficiently covered with non-conducting material.

‡ (d) The following Regulations shall apply to the drawing of ovens :

(i.) The temperature, whether taken at the bottom of the stage where the top drawer stands, or at any lower stage where men are working, shall not exceed 125° Fahrenheit at any time when men are working in the oven.

(ii.) Except that, in the case of any oven in which—

(a) Cooling dampers are in use, and in respect of which

(b) There has been no unnecessary delay in setting in the oven,

it shall be permissible, on the joint agreement of employer and employed, to suspend the above rule not more than four times in any period of twelve months ; but such suspension of the rule shall be conditional on immediate notice being sent to the Inspector of Factories for the district, stating the name or number of the oven which is being drawn at a temperature exceeding 125° Fahrenheit, taken as above. For the purpose of this exception, every oven to which it applies shall be given a distinctive name or number, which shall be recorded in the

register. Particulars of any notice sent to the Inspector of Factories for the district in pursuance of this exception shall also be recorded in the register.

(iii.) When notice is given by the oven-men, whether verbally to the manager or occupier, or by handing in a written notice at the office before 5.30 P.M., to the effect that the oven-men wish to have the temperature tested before the oven is drawn next day, arrangements shall be made for a responsible representative of the occupier to be present for the purpose at the time when the drawing in question commences.

(iv.) The temperature of ovens shall also be taken, on a demand being made by the oven-men, at any time when they are engaged in drawing.

II. (\*) (†) (a) The occupier shall provide and continually maintain, for the use of all persons employed in processes named in the Schedule, at least one lavatory basin for every five such persons. Each such basin shall be provided with a waste-pipe and plug, or the basins shall be placed on a trough fitted with a waste-pipe. There shall be a constant supply of hot and cold water laid on to each basin.

(\*) (†) (b) Or, in the place of basins, the occupier shall provide and maintain troughs of enamel or similar smooth impervious material, in good repair, of a total length of at least 2 feet for every five persons employed, fitted with waste-pipes, and without plugs, with a sufficient supply of warm water constantly available from taps or jets above the trough at intervals of not more than 2 feet. Provided that if the Inspector of Factories for the district certifies that in his opinion it is not reasonably practicable for hot or warm water to be laid on to the lavatories in any factory or in any part of a factory, it shall be deemed to be sufficient if an adequate supply of hot water is provided as near as practicable to such lavatories. The Inspector of Factories for the district shall have the right at any time to cancel or amend any such certificate.

(\*) (†) (c) The lavatory shall be kept thoroughly cleaned at the cost of the occupier.

(\*) (†) (d) Before each meal and before the end of the day's work, at least ten minutes, in addition to the regular meal-times, shall be allowed for washing to each such person, provided that if the lavatory accommodation specially reserved for such persons exceeds that required by the preceding paragraphs, the time allowance may be proportionately reduced, and that if there be one basin or 2 feet of trough for each such person, no allowance of time shall be required.

(\*) (†) (e) The lavatories shall be under cover and shall be

fitted up as near as practicable to the places in which the workers for whom they are provided are employed.

(\*) (†) (f) There shall be in front of each washing basin, or trough, a space for standing room which shall not be less in any direction than 21 inches.

(\*) (†) (g) Sufficient space shall be provided under cover in or adjoining the lavatory for such workers as use the lavatory while awaiting their turn to wash.

(\*) (†) (h) One roller towel, fastened in position, at least 15 square feet in area, shall be provided for every three workers, and shall be washed or renewed daily.

(\*) (†) (h) Or, one roller towel, fastened in position, at least 15 square feet in area, shall be provided for every nine workers, and shall be washed or renewed after every meal-time and at the close of the day's work.

(\*) (†) (l) Or, a towel at least 5 square feet in area shall be provided for each worker, and shall be washed or renewed daily ; in this case a peg with the worker's name shall be provided for each towel.

(\*) (†) (m) One nail brush shall be provided for each basin or every 2 feet of trough, and shall be maintained in a cleanly and efficient condition. If fastened down, it shall be taken up once a week, and cleaned or renewed.

(\*) (†) (n) A sufficient supply of soap shall be always available at each basin, or every 2 feet of trough.

(\*) (†) (o) Separate lavatories for males and females shall be provided. An adjustable wooden partition across a lavatory shall be deemed to be sufficient separation, provided that it ensures complete privacy for females while washing.

12. † (a) The floors of all slip-houses shall be kept thoroughly clean.

† (b) In all potters' shops, including such drying stoves as are entered by work-people, and in all places where the following processes are carried on, viz.:

\* Making or mixing of frits, glazes, or colours containing lead,

\*† Application of majolica, or other glaze, by blowing, painting, or any other process except dipping,

Preparation, or weighing out, of flow material,

Ground laying, including the wiping off of colour after this process,

Colour dusting { Whether on-glaze or under-glaze, including  
Colour blowing { the wiping off of colour after either of  
these processes,

Colour grinding for colour blowers,

Lithographic transfer making,

the following Regulations shall apply :

(i.) There shall be provided and maintained—

(a) Either impervious floors ;

(b) Or wooden floors with a thoroughly smooth and sound surface, constructed in such a substantial manner as to be free from permanent sag, and maintained in such repair that they can be properly cleaned by a moist method, and that no dust can fall through into rooms below.

(ii.) The floors, when the rooms are in use, shall be thoroughly cleaned daily, by a moist method, by an adult male after work has ceased for the day, and before 3 A.M. next morning ; except that in rooms in which ground laying is done, the cleaning prescribed by this Regulation may be done before work commences in the morning, provided that in no case shall any work be carried on in the room within one hour after such cleaning as aforesaid has ceased.

(iii.) Scraps of clay and other debris, including any which have collected under benches, shall not be allowed to accumulate unduly, and all such scraps and debris shall be carried out at least once a day. Scraps of clay in potters' shops shall be damped before being carried out.

In all drying stoves which are entered by work-people, boxes shall be provided for the reception of broken or waste clay ware.

(iv.) Suitable provision shall be made for the storage of all moulds when not in use. In existing installations the tops of drying stoves shall not be used for this purpose unless it is shown to the satisfaction of the Inspector of Factories for the district that no other suitable place is available. In any new erections suitable provision shall be made without utilising the tops of stoves for this purpose, unless the top of the stove is made into a separate chamber.

† (c) The floors of all biscuit placing and glost placing shops shall be impervious, even floors of brick, flag, or similar hard material, and shall be kept in good repair ; they shall be thoroughly sprinkled and swept by an adult male whenever the work of setting in an oven has ceased, and under any circumstances at least once a day.

\*†† (d) The floors of all dipping houses, dippers' drying rooms, and ware cleaning rooms shall be washable impervious floors, and shall be thoroughly cleaned daily by an adult male, after work has ceased for the day, with a sufficient supply of water and a mop or similar implement ; provided that, in the case of china



dippers' drying rooms, this cleaning may be done before work commences in the morning, instead of after work has ceased for the day.

The floors of all dipping houses, dippers' drying rooms, and ware-cleaning rooms erected after the date on which these Regulations come into force, shall be properly sloped towards a drain.

‡ (e) In any new erection where steam pipes are used for heating a drying stove, dippers' drying room, or any place where articles are left to dry, the pipes shall, if possible, be fixed in the form of a rack of horizontal pipes in a vertical plane. Where this is impossible, the pipes shall be fixed in such a position as to allow a thorough cleaning under and around them.

In existing installations, if it is impracticable to comply with the preceding paragraph, the steam pipes shall be enclosed in a box in such a manner as to permit of the thorough cleaning of all parts of the box on which persons may walk or stand, and adequate measures shall be taken to prevent dust escaping from within the box. Slides, drawers, trap-doors, or other contrivances shall be provided wherever necessary to facilitate cleaning under pipes.

All stillages shall be so arranged as to allow the floor to be thoroughly cleaned underneath them.

(f) In all workrooms not specially mentioned in the foregoing paragraphs of this Regulation, the following Regulations shall apply :

All floors shall be maintained in such repair that they can be properly cleaned by a moist method, and shall be so cleaned daily.

All ashes, dirt, or other debris, including any which have accumulated under benches, shall be carried out daily.

(g) The above requirement as to the daily cleaning of floors by a moist method shall not apply to places where saggers, retorts, or crucibles are made, or to those parts of floors on or immediately above which articles of pottery are necessarily left overnight, if adequate provision is made for the cleaning of the floors as soon as the articles are removed.

13. The following Regulations shall apply to work benches in potters' shops, and in places where processes named in the Schedule are carried on :

(\*) ‡ (a) Work benches, if not covered with sheet metal or constructed with an impervious surface, shall be strongly and solidly constructed of closely jointed timber, and the surface of the work benches shall be well maintained.

(\*) ‡ (b) All work benches in use shall be thoroughly cleaned daily by a moist method.



14. \* (a) Raw lead compounds shall not be handled except with at least 5 per cent of added moisture.

\* (b) They shall, further, be kept in their original packages until weighed out, and the tub or other receptacle containing them shall be so fitted either with a cover or a damp screen as to prevent the issue of any lead dust from its mouth.

\*† (c) In every lead-house, except such as are used for less than eight hours in any week, a special lavatory basin with a supply of hot and cold water, nail brush, soap, and towel shall be provided and maintained; and a solution of soluble sulphides shall be provided in which workers in the lead-house shall rinse their hands after washing so as to show if they are free from lead.

15. \*† (a) In dipping houses, all parts of walls sufficiently near to any dipping tub to be splashed with glaze shall be tiled, or painted with washable paint, or otherwise treated in such a manner as to permit of thorough cleaning by a wet process.

\*† (b) The above-named parts of walls, as well as the dipping tubs and any other objects which are splashed with glaze, shall be thoroughly cleaned daily by a wet process.

(c) All dipping houses and ware cleaning rooms shall be well lighted; neither dipping nor ware cleaning shall be done in places which, in ordinary fine weather, are dependent on borrowed light or artificial light during the hours of daylight.

16. \*†† In the process of threading-up, rubber or other washers, used to keep articles apart when being dipped, shall be thoroughly washed in a colander after each dipping. Wires shall also be washed after each dipping.

17. \* (a) Every board on which dipped ware has been placed shall, on each occasion after it has been used for one set of articles and before being used for another, be thoroughly cleaned with clean water by an adult male.

\* (b) "Nailed" or "pegged" boards shall be cleaned under a strong jet of water; no new boards of this description shall be introduced except where necessary to hold china furniture or other special articles which cannot be carried on ribbed or plain boards.

(\*) (†) (c) Boards for use in processes included in Part I. of the Schedule shall be clearly marked by painting them red at the ends and for a distance of at least 6 inches from each end of the board on both sides, so as to distinguish them from other boards which do not come into contact with lead. Boards so marked shall not be used in any department unless they have been thoroughly cleaned, and shall not be used in the clay departments under any circumstances. Boards not so marked shall not be taken into any place where a process included in Part I. of the

Schedule is carried on ; but this shall not apply to placing shops in which both biscuit and glost ware are being placed, provided that the boards used for biscuit ware are kept separate and returned to their respective departments without any contact with the boards used for glost ware.

18. \*† All mangle shelves shall be thoroughly cleaned by a wet process by an adult male on a fixed day in each week, after work has ceased for the day. The day on which this cleaning is to take place shall be fixed by entry in the register kept in pursuance of Regulation 3.

19. (\*) (†) † All material collected from floors or work benches shall be riddled in an enclosed receptacle before it is taken to a thimble picking room.

20. The following Regulations shall apply to the process of majolica painting :

\*† (a) A sponge and bowl of clean water, to rinse the fingers, shall be provided on the work bench beside each person employed in majolica painting.

\*† (b) In all majolica painting shops where there is no adjoining lavatory accommodation, there shall be provided in the room a lavatory sink with a tap, a constant supply of water, and towels.

\*† (c) All splashes of glaze falling on the benches, or surrounding objects, shall be immediately removed with a wet sponge or other wet material.

\*† (d) No floor or work bench shall be deemed to have been thoroughly cleaned, in accordance with Regulation 12 or 13, unless all splashes of glaze have been completely removed.

\*† (e) Mottling, or any similar method of applying glaze, shall only be carried on under the Regulations applying to majolica painting.

\*† (f) All cleaning and scraping, including panel-cutting, after majolica dipping, painting, or blowing, shall be deemed to be ware cleaning, and shall only be done in compliance with the rules for the latter process.

21. † All pieces of cotton-wool or similar materials which have been used in the process of ground laying, or colour dusting, or lithographic transfer making, shall be kept in a proper receptacle. All pieces of waste cotton-wool or similar materials which have been so used shall be immediately burnt.

22. † (a) No short-sighted person shall be employed to do glaze or colour blowing, unless wearing suitable glasses. No person shall be employed as a glaze or colour blower, unless the Surgeon has entered in the health register a certificate stating

that he has examined the worker's sight and is satisfied that he or she can be so employed without breach of this Regulation.

‡ (b) All hoods in which the blowing of glaze or colour is carried on shall be thoroughly cleaned daily by a wet process.

‡ (c) Glaze or colour blowing shall not be done with the mouth.

‡ (d) Decoration on unfired clay ware by means of coloured clay slips shall not be regarded as colour blowing for the purposes of any of the Regulations applying specially to the latter process.

23. ‡ Machines used in lithographic transfer making shall not be brushed down, but shall be cleaned either—

(a) With moist materials, such as oily rags, in such a manner as not to disperse any dust into the air ; or

(b) By means of an exhaust current of air, such as that afforded by a vacuum-cleaner.

24. (\*) (†) ‡ (a) Thimble picking or threading-up shall not be carried on except in a place sufficiently separated from any process included in the Schedule.

(\*) (†) (b) When a process included in the Schedule is being carried on in a room where other work is also done—

(i.) Either the place where the scheduled process is carried on shall be screened off from the rest of the room by a partition not less than 8 feet high,

(ii.) Or, all persons working in the room shall be deemed to be persons employed in the scheduled process.

25. (a) No person employed in a process included in Part I. of the Schedule, except glost placing and lithographic transfer making, shall be employed for more than 4 hours without an interval of at least half an hour for a meal.

No person shall be employed in the process of glost placing or in the process of lithographic transfer making for more than 4½ hours, or in any other process for more than 5 hours, without an interval of at least half an hour for a meal.

(\*) (†) (b) No woman or young person who is employed in any process included in Part I. of the Schedule shall be employed in the factory in any capacity for more than 48 hours in any week.

(\*) (c) No adult male who is employed as a dipper, dipper's assistant or ware cleaner shall be employed in the factory in any capacity for more than 48 hours in any week, provided that where such an adult male worker has been employed in a process included in Part I. of the Schedule for not more than 8 hours in any one day or 30 hours in all in a week, he may be employed during the same week on work not involving contact with lead up to a limit of 54 hours for that week.

(\*) (d) No adult male who is employed as a glost placer shall be employed in the factory in any capacity for more than 54 hours in any week.

(\*) (e) Except that it shall be permissible to employ adult male dippers, dippers' assistants, ware cleaners, and glost placers overtime, in addition to the prescribed weekly periods of 48 and 54 hours ; provided that such overtime shall not, in any factory to which these Regulations apply, exceed 4 hours in any week, or 36 hours in any period of twelve months. The occupier shall enter in the prescribed register particulars of all such overtime, and shall also send notice, with the prescribed particulars, to the Inspector of Factories for the district, before eight o'clock in the evening of any day when a man is employed overtime in pursuance of this exception. An occupier who avails himself of this exception shall, if called upon, produce to the Inspector of Factories for the district evidence of press of orders or other circumstance rendering the overtime necessary.

Adult male dippers, ware cleaners, and glost placers may be employed, in addition to the above-named hours, as sitters-up with an oven after the termination of the period of employment on one day in the week and before the commencement of the period of employment on the next day ; provided that no such worker shall be employed in any capacity within 12 hours of the cessation of the period of sitting-up.

(f) In potters' shops, and in any place where towing or any other dusty process is carried on, including any process for which a certificate by an Inspector of Factories has been given in pursuance of the first paragraph of Regulation 6, no woman or young person shall be employed for more than  $9\frac{1}{2}$  hours in any day or for more than  $6\frac{1}{2}$  hours on Saturday.

(g) All the above weekly and daily periods shall be the maximum permissible periods of actual work, exclusive of meal-times.

26. (\*) (†) In addition to the printed copies of these Regulations required to be kept posted up in pursuance of Section 86 of the Factory and Workshop Act, 1901, there shall be kept constantly affixed in every potters' shop and in every place in which any process included in the Schedule is carried on, a notice printed in bold type so that it can be easily read, setting forth those portions of the Regulations which apply to that particular workplace.

27. (a) A person or persons shall be appointed who shall see to the observance, throughout the factory, of the Regulations, and whose duty it shall be to carry out systematic inspection of the working of all the Regulations in the departments for which they are individually responsible. The names of the persons so appointed shall be recorded in the register.

(b) Each person so appointed shall be a competent person fully conversant with the meaning and application of the Regulations in so far as they concern the departments for which he is

responsible. He shall keep in the factory a book in which he shall record any breach of the Regulations, or any failure of the apparatus (fans, etc.) needed for carrying out the provisions, that he may have observed, or that may have been brought to his notice within the preceding 24 hours, together with a statement of the steps then taken to remedy such defects or to prevent the recurrence of such breach. Each entry in such book shall be dated and initialed by the person appointed, who at the end of each week shall make a further entry stating that the inspection required by paragraph (a) has been carried out, and that all the defects observed or brought to his notice have been recorded in the book. Such book shall be kept in the factory for at least six months after the latest entry therein.

(c) Accurate extracts, clearly and legibly expressed, shall be made of these entries once a week, and signed by the occupier or some one whom he may appoint, and displayed during the following week in a conspicuous place in the departments to which they refer, and copies of all such extracts shall for the same time be displayed in a conspicuous place in the mess-rooms.

28. (a) The occupier shall allow any of His Majesty's Inspectors of Factories to take at any time sufficient samples for analysis of any material in use or mixed for use.

(b) Provided that the occupier may at the time when the sample is taken, and on providing the necessary appliances, require the Inspector to take, seal, and deliver to him a duplicate sample.

(c) But no analytical result shall be disclosed or published in any way except such as shall be necessary to establish a breach of these Regulations.

PART II.—DUTIES OF PERSONS EMPLOYED.—29. (\*) (†) (‡) (a) All persons employed in the processes included in the Schedule shall present themselves at the appointed times for examination by the Surgeon as provided in Regulation 2.

(\*) (†) (‡) (b) No person after suspension shall work in any process in which examination by the Surgeon is required by these Regulations without a certificate of permission to work.

30. (\*) (†) (a) All persons employed in any process included in the Schedule shall, when at work, wear overalls, head coverings, and aprons, as required by Regulation 4. The said overalls, head coverings, and aprons shall not be worn outside the factory or workshop, and shall not be removed therefrom except for the purpose of being washed or repaired. No overalls, head coverings, or aprons, provided in pursuance of Regulation 4, shall, under any circumstances, be taken to a worker's home.

(\*) (†) (b) The head coverings provided in accordance with Regulation 4 shall be worn in such a manner as effectually to

protect the hair from dust, and the hair must be so arranged as to permit of this.

(\*) (†) (c) The overalls, head coverings, and aprons, when not being worn, and clothing put off during working hours, shall be deposited in the respective places provided by the occupier for such purposes under these Regulations.

(d) Respirators shall be worn as required by Regulation 8.

31. (\*) (†) (a) No person shall introduce, keep, prepare, or partake of any food, drink, or tobacco, or remain during meal-times in any place in which is carried on any process included in the Schedule, or the process of towing, or the process of tile-making by the compression of dust, or any other process which the Inspector of Factories for the district shall certify as sufficiently dusty to render the room in which it is carried on an unsuitable place, in his opinion, for persons to remain during meal-times.

(\*) (†) (b) Every worker for whom milk or cocoa is provided in accordance with Regulation 6 shall drink the same, unless a medical certificate is produced showing cause for exemption from this requirement.

32. No person shall in any way interfere, without the knowledge and concurrence of the occupier or manager, with the means and appliances provided by the employers for ventilation, and for the removal of dust.

33. (\*) (†) (a) No person employed in any process included in the Schedule shall leave the works or partake of meals without previously and carefully cleaning and washing his or her hands.

(\*) (†) (b) No person employed shall remove or damage the washing basins or conveniences provided under these Regulations.

34. The persons appointed by the occupiers shall clean the several floors, walls, work benches, appliances, and other objects regularly as prescribed in these Regulations.

35. \* (a) The boards used in the dipping-house, dippers' drying room, or glost placing shop shall not be used in any other department, except after being cleaned, as directed in Regulation 17.

\* (b) No board on which dipped ware has been placed shall be used for a second set of dipped articles until it has been thoroughly cleaned, in accordance with Regulation 17.

Where a convenient grid or other suitable contrivance is provided for depositing such boards after use and before being cleaned, the worker who has removed the ware from any such board shall place the board thereon.

(\*) (c) Boards which are marked for use in lead processes shall not be used in any department unless they have been thoroughly cleaned, and shall not be used in the clay departments under any circumstances.

36. Every worker shall so conduct his or her work as to comply strictly with these Regulations, and to avoid, as far as practicable, making or scattering dust, or refuse, or causing accumulation of such.

### *Schedule*

#### PART 1.—LEAD PROCESSES

- \* (a) Making or mixing of frits, glazes, or colours containing lead.
- \* (b) Dipping or other process carried on in the dipping house.
- \* (c) Application of majolica, or other glaze, by blowing, painting, or any other process except dipping.
- \* (d) Drying after the application of glaze by dipping, blowing, painting, or other process.
- \* (e) Ware cleaning after the application of glaze by dipping, blowing, painting, or other process.
- \* (f) Placing of ware on cranks or similar articles prior to their transfer to saggers or kilns for the glost firing.
- \* (g) Glost placing.
- † (h) Washing of saggers with a wash which yields to dilute hydrochloric acid more than 5 per cent of its dry weight of a soluble lead compound calculated as lead monoxide when determined in the manner described in the definition of low solubility glaze.
- † (k) Preparation, or weighing-out, of flow material.
- † (l) Ground laying, including the wiping off of colour after this process.
- † (m) Colour dusting } whether on-glaze or under-glaze, including  
the wiping off of colour after either of
- † (n) Colour blowing } these processes.
- † (o) Colour grinding for colour blowers.
- † (p) Lithographic transfer making.
- † (q) Any other process in which materials containing lead are used or handled in the dry state, or in the form of spray, or in suspension in liquid other than oil or similar medium ; provided that the stopping of biscuit ware with a material containing lead shall not be deemed to be a process included in this schedule.

#### PART 2.—OTHER PROCESSES

- † (r) Scouring of biscuit ware which has been fired in powdered flint.
- † (s) Emptying of biscuit ware which has been fired in powdered flint, from the baskets or other receptacles in which it has been conveyed to the biscuit warehouse or scouring shop.

(23) *Factories or workshops or parts thereof in which is carried on the manufacture of chromate and bichromate of potassium or sodium.*

These Regulations came into force on 1st September 1913.

In these Regulations :

“ Chrome process ” means manipulation, movement, or



other treatment of chromate or bichromate of potassium or sodium.

“ Surgeon ” means the Certifying Factory Surgeon of the district or a duly qualified medical practitioner appointed by written certificate of the Chief Inspector of Factories, which appointment shall be subject to such conditions as may be specified in that certificate.

“ Suspension ” means suspension from employment in any chrome process by written certificate in the Health Register, signed by the Surgeon, who shall have power of suspension as regards all persons employed in any chrome process.

“ Efficient exhaust draught ” means localised ventilation effected by heat or mechanical means, for the removal of steam or dust so as to prevent them from escaping into the air of any place in which work is carried on.

It shall be the duty of the occupier to observe Part I. of these Regulations.

It shall be the duty of every person employed to observe Part II. of these Regulations.

PART I.—I. With regard to every uncovered fixed vessel, whether pot, pan, vat, or other structure, containing any corrosive liquid :

- (a) Each such vessel shall, unless its edge is at least 3 feet above the adjoining ground or platform, be securely fenced ;
- (b) For the purposes of paragraph (a) of this Regulation no fencing shall be deemed to be secure unless it extends to a height of at least 3 feet above the adjoining ground or platform : provided, however, that paragraph (b) of this Regulation shall not apply—
  - (i.) To any vessel constructed before 1st January 1899 ; or
  - (ii.) Where a height of 3 feet is impracticable by reason of the nature of the work to be carried on.
- (c) No plank or gangway shall be placed across any such vessel unless such plank or gangway is—
  - (i.) At least 18 inches wide ; and
  - (ii.) Securely fenced on both sides, either by upper and lower rails, to a height of 3 feet, or by other equally efficient means.
- (d) Where such vessels adjoin, and the space between them either—
  - (i.) Affords foothold, and is not fenced as in paragraph (c) (ii.) of this Regulation, or



(ii.) Is less than 18 inches in width, clear of any brick or other work surrounding them, a secure barrier shall be so placed as to prevent passage between them.

2. All dangerous places near to which persons are employed or near to which they have to pass, shall be efficiently lighted by day and night.

3. Grinding, unless done with slow moving edge runners, and sieving the raw materials, evaporating, and packing shall not be carried on except either—

(a) With an efficient exhaust draught ; or

(b) In such manner as will prevent escape of dust or fume into the air of any place at which work is carried on.

4. No person under 18 years of age and no female shall be employed in any chrome process.

5. (a) Every person employed in a chrome process shall be examined by the Surgeon once in every calendar month on a date, or dates, of which due notice shall be given. The Surgeon shall undertake any necessary medical treatment of lesions contracted in consequence of such employment.

(b) A Health Register containing the names of all persons employed in any chrome process shall be kept in a form approved by the Chief Inspector of Factories.

(c) No person after suspension shall be employed in any chrome process without written sanction from the Surgeon, entered in the Health Register.

6. Requisites (approved by the Surgeon) for treating slight wounds and ulcers shall be kept at hand and be placed in charge of a responsible person.

7. There shall be provided—

(a) Sufficient and suitable overall suits for the use of all persons engaged in grinding the raw materials, which overall suits shall be washed, cleaned, or renewed at least once every week ; and

(b) Sufficient and suitable protective coverings for the use of all persons engaged in the crystal department and in packing ;

8. There shall be provided suitable respirators for the use of all persons employed in packing bichromate of potassium or sodium ; which respirators shall be washed or renewed at least once every day.

9. There shall be provided and maintained for the use of all persons employed in any chrome process—

(a) A suitable meal-room ;

(b) A suitable place or places for clothing put off during working hours ; and

- (c) A suitable place or places for the storage of overall suits provided in pursuance of Regulation 7 (a); which place or places shall be separate from that required by paragraph (a) of this Regulation.

10. There shall be provided and maintained in a cleanly state and in good repair for the use of all persons employed in any chrome process—

- (a) A lavatory, under cover, with a sufficient supply of clean towels, renewed daily, and of soap and nail brushes, and with either—

(i.) A trough with a smooth impervious surface fitted with a waste-pipe, without plug, and of sufficient length as to allow of at least 2 feet for every five such persons employed at any one time, and having a constant supply of warm water from taps or jets above the trough at intervals of not more than 2 feet; or

(ii.) At least one lavatory basin for every five such persons employed at any one time, fitted with a waste-pipe and plug, and having either a constant supply of hot and cold water or warm water laid on, or (if a constant supply of heated water be not reasonably practicable) a constant supply of cold water laid on, and a supply of hot water always at hand when required for use by such persons;

and for the use of all persons employed in the crystal department or in packing—

- (b) Sufficient and suitable bath accommodation with hot and cold water laid on and a sufficient supply of soap and towels.

11. A Bath Register shall be kept containing a list of all persons employed in the crystal department and packing, and an entry of the date when each person takes a bath.

PART II.—12. Every person employed in a chrome process shall present himself at the appointed time for examination by the Surgeon, in pursuance of Regulation 5 (a).

13. No person employed shall, after suspension, work in any chrome process without written sanction from the Surgeon, entered in the Health Register.

14. Every person employed in any chrome process shall deposit in the place or places provided in pursuance of Regulation 9 (b) all clothing put off during working hours.

15. Every person for whose use an overall suit is provided in pursuance of Regulation 7 (a) shall wear the overall suit when employed in grinding the raw materials, and, on leaving the

premises, deposit it in the place provided under Regulation 9 (c).

16. Every person for whose use a respirator is provided in pursuance of Regulation 8 shall wear the respirator while employed in packing.

17. Every person employed in grinding the raw materials, or in the crystal department, or in packing, shall, before leaving the premises, thoroughly wash the face and hands.

18. Every person employed in the crystal department or in packing shall take a bath at the factory at least once a week ; and, having done so, he shall at once sign his name in the Bath Register with the date ; provided that—

This Regulation shall not apply in the case of a workman who is unwell.

19. No person shall take a meal in the crystal department.

20. No person employed shall interfere in any way, without the concurrence of the occupier or manager, with the means provided for the carrying out of these Regulations.

## APPENDIX IX

### (CHAPTER XIV.)

#### SPECIAL MODIFICATIONS, ETC., OF THE FACTORY AND WORKSHOP ACT, 1901

##### (a) REGULATIONS AS TO GRINDING IN TENEMENT FACTORY (THIRD SCHEDULE TO THE ACT AND SPECIAL EXEMPTION)

(1) BOARDS to fence the shafting and pulleys, locally known as drum boards, must be provided and kept in proper repair.

(2) Hand rails must be fixed over the drums and kept in proper repair.

(3) Belt guards, locally known as scotchmen, must be provided and kept in proper repair.

(4) Every floor constructed on or after the 1st day of January 1896 must be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences must be provided for facilitating such removal.

(5) Every grinding room or hull established on or after the 1st day of January 1896 must be so constructed that for the purpose of light grinding there shall be a clear space of 3 feet at least between each pair of troughs, and for the purpose of heavy grinding there shall be a clear space of 4 feet at least between each pair of troughs and 6 feet at least in front of each trough.

(6) The sides of all drums in every grinding room or hull must be closely fenced.

(7) Except in pursuance of a special exemption granted by the Secretary of State, a grindstone must not be run before any fireplace or in front of another grindstone.

A special exemption is now in force which permits the running of a grindstone in front of—

(a) Bolster stones used by table blade grinders, and

(b) Humping and shank stones used by scissor grinders.

(8) A grindstone erected on or after the 1st day of January 1896 must not be run before any door or other entrance.

**(b) REGULATIONS FOR COTTON CLOTH FACTORIES**

The following Regulations now apply, in substitution for Sections 90, 91, 92, and 94, and Schedule IV. of the Factory and Workshop Act, 1901, to all factories in which is carried on the weaving of cotton cloth.

For the purposes of these Regulations—

“ Humid shed ” means any room in which the weaving of cotton cloth is carried on with aid of artificial humidification.

“ Artificial humidification ” means humidification of the air of a room by any artificial means whatsoever, except the use of gas or oil for lighting purposes only. Provided that in a room in which there are no distributing pipes or ducts, the introduction of air directly from the open air outside through mats or cloths moistened with cold water shall not, if adopted solely at times when the temperature of the room is 70 degrees or more, be deemed to be artificial humidification.

“ Dry shed ” means any room, other than a humid shed, in which the weaving of cotton cloth is carried on.

“ Degrees ” (of temperature) means degrees on the Fahrenheit scale.

“ Hygrometer ” means an accurate wet-and-dry-bulb hygrometer, conforming to such conditions, as regards construction and maintenance, as the Secretary of State may prescribe by Order.

1. There shall be no artificial humidification in any humid shed—

- (a) At any time when the wet-bulb reading of the hygrometer exceeds 75 degrees ; or
- (b) At any time when the wet-bulb reading of the hygrometer is higher than that specified in the Schedule of this Order in relation to the dry-bulb reading of the hygrometer at that time ; or, as regards a dry-bulb reading intermediate between any two dry-bulb readings indicated consecutively in the Schedule, when the dry-bulb reading does not exceed the wet-bulb reading to the extent indicated in relation to the lower of those two dry-bulb readings ; or
- (c) At any time, after the first half-hour of employment in any day, when the dry-bulb reading of the hygrometer is below 50 degrees ; or
- (d) At any time, within the first half-hour of employment on any day, when the wet-bulb reading of the hygrometer is less than 2 degrees below the dry-bulb reading.

2. No water which is liable to cause injury to the health

of the persons employed, or to yield effluvia, shall be used for artificial humidification, and for the purpose of this Regulation any water which absorbs from acid solution of permanganate of potash in 4 hours at 60 degrees more than 0.5 grain of oxygen per gallon of water shall be deemed to be liable to cause injury to the health of the persons employed.

3. In each humid shed two hygrometers, and one additional hygrometer for every 500 or part of 500 looms in excess of 700 looms, shall be provided and maintained, in such positions as may be approved by the Inspector of the District.

A copy of the Schedule appended to this Order shall be kept affixed near to each hygrometer provided in pursuance of this Regulation.

4. In every humid shed the readings of each hygrometer, provided in pursuance of Regulation 3, shall be observed on every day on which any workers are employed in the shed, jointly by representatives of the occupier and of the persons employed, between 7 and 8 A.M., between 11 A.M. and 12 noon, and (except on Saturday) between 4 and 5 P.M.

The prescribed Humidity Register shall be kept in the factory. If any readings taken as above are such as to indicate contravention of Regulation 1 or Regulation 5, the persons who have taken them shall forthwith enter and sign them in the prescribed Humidity Register, and a copy of each such entry shall also be sent forthwith, in the prescribed form, to the Inspector of the District.

At the end of each week the persons appointed to take the readings shall enter and sign in the prescribed Humidity Register a declaration that during the week the readings have been duly taken by them as required by this Regulation, and that (subject to any exception recorded as above) no readings have been such as to indicate contravention of Regulation 1 or Regulation 5.

The entries in the Humidity Register shall be *prima facie* evidence of the temperature and humidity of the air of the humid shed.

5. In every dry shed and in every humid shed the arrangements shall be such that (1) during working hours the temperature shall not at any time on that day be below 50 degrees, and (2) no person employed shall be exposed to a direct draught from any air inlet, or to any draught at a temperature of less than 50 degrees.

Provided that it shall be sufficient compliance with the requirement marked (1) in this Regulation if the heating apparatus be put into operation at the commencement of work, and if the required temperature be maintained after the expiration of half an hour from the commencement of work.

In a tenement factory it shall be the duty of the owner to provide and maintain the arrangements required for the purpose of the requirement marked (1) in this Regulation.

6. In a humid shed in which steam pipes are used for the introduction of steam for the purpose of artificial humidification of the air—

- (a) The diameter of such pipes shall not exceed 2 inches, and in the case of pipes hereafter installed the diameter shall not exceed 1 inch ;
- (b) Such pipes shall be as short as is reasonably practicable ;
- (c) Such pipes shall be effectively covered with insulating material kept in good repair, in such manner that the amount of steam condensed in the covered pipe shall not exceed one-fifth of the amount of steam condensed in the bare pipe under the same conditions ; and there shall be kept attached to the General Register a certificate from the manufacturer of the covering to the effect that a sample of the covering has been tested by an authority approved by the Chief Inspector of Factories, and has been found to conform to the above standard ;
- (d) All hangers supporting such pipes shall be separated from the bare pipes by an efficient insulator not less than half an inch in thickness ;
- (e) No uncovered jet from such a pipe shall project more than  $4\frac{1}{2}$  inches beyond the outer surface of such covering ;
- (f) The steam pressure shall be as low as practicable, and shall not exceed 70 lb. per square inch ;

7. In every humid shed hereafter erected—

- (a) The average height of the shed shall not be less than  $14\frac{1}{2}$  feet, nor the height of the valley-gutters from the floor less than 12 feet ;
- (b) The lights shall as far as possible face true North ; or if this be impracticable, between North-East and North-North-West ;
- (c) The glass of the lights shall be at an angle of not more than 30 degrees to the vertical, except in the case of flat concrete or brick roofs ;
- (d) The boiler-house and engine-room shall be separated from the shed by an alley-way, not less than 6 feet wide and either open to the outside air or provided with louvre or roof ventilators capable of being opened in summer, and of an area equal to one-quarter of the floor area of the alley-way ;
- (e) No boiler flue shall pass under the shed, or within 6 feet horizontally from the wall of the shed.

8. In every humid shed and in every dry shed the whole of the outside of the roof (windows excepted) and the inside surface of the glass of the roof-windows shall be white-washed every year before the 31st May, and the white-wash shall be effectively maintained until the 15th of September.

Provided that the above requirements of this Regulation, so far as regards roof-windows, may be suspended by certificate in writing from the Inspector of the District, if it is shown to his satisfaction that the roof-windows are so placed, or are so shaded by adjacent buildings, that the direct rays of the sun can never impinge upon them at any time during any day ; which certificate shall be kept attached to the General Register.

9. In every humid shed and in every dry shed the arrangements for ventilation shall be such that at no time during working hours shall the proportion of carbon dioxide in the air in any part of the shed exceed the limit specified below for that shed, namely—

For humid sheds eight	{	parts by volume of carbon dioxide
For dry sheds eleven		per 10,000 parts of air in excess of the proportion in the outside air at the time.

Provided that—

- (1) During any period in which it is necessary to use gas or oil for lighting purposes, and
- (2) Before the end of the dinner-hour on any day in which gas or oil has been so used,

it shall be sufficient compliance with this Regulation if means of ventilation sufficient to secure observance of the above requirement during daylight are maintained in full use and in efficient working order.

10. In every humid shed erected after 2nd February 1898, sufficient and suitable cloak-room or cloak-rooms shall be provided for the use of all persons employed therein, and shall be ventilated and kept at a suitable temperature.

In every humid shed and dry shed to which the above provision does not apply and in which a suitable and sufficient cloak-room is not provided, suitable and sufficient accommodation within the shed shall be provided for the clothing of all persons employed, within a reasonable distance of the place of employment and consisting of a sufficient number of pegs, not less than one for each person employed and not less than 18 inches apart, and of a covering of suitable non-conducting material spaced not less than half an inch from the wall or pillar, and so arranged that no moisture either from above, or from the wall or pillar, can reach the clothing.



Schedule

HUMIDITY TABLE FOR THE PURPOSES OF REGULATION I.

Dry-Bulb Readings.	Wet-Bulb Readings.	Dry-Bulb Readings.	Wet-Bulb Readings.
(1)	(2)	(1)	(2)
50°	48°	66°	64°
51°	49°	67°	65°
52°	50°	68°	66°
53°	51°	69°	67°
54°	52°	70°	68°
55°	53°	71°	68.5°
56°	54°	72°	69°
57°	55°	73°	70°
58°	56°	74°	70.5°
59°	57°	75°	71.5°
60°	58°	76°	72°
61°	59°	77°	73°
62°	60°	78°	73.5°
63°	61°	79°	74.5°
64°	62°	80°	75.0°
65°	63°		

(c) AMENDED SCHEDULE OF THE MAXIMUM LIMITS OF HUMIDITY OF ATMOSPHERE TO BE OBSERVED AT GIVEN TEMPERATURES IN FACTORIES IN WHICH THE SPINNING OF MERINO, CASHMERE, OR WOOL BY THE “ FRENCH ” OR “ DRY ” PROCESS IS CARRIED ON

I. Grains of Vapour per Cubic Foot of Air.	II. Dry-Bulb Thermo- meter Readings. Degrees Fahrenheit.	III. Wet-Bulb Thermo- meter Readings. Degrees Fahrenheit.	IV. Percentage of Humidity (Saturation = 100).
1.9	35	33	80
2.0	36	34	82
2.1	37	35	83
2.2	38	36	83
2.3	39	37	84
2.4	40	38	84
2.5	41	39	84
2.6	42	40	85
2.7	43	41	84
2.8	44	42	84
2.9	45	43	85
3.1	46	44	86
3.2	47	45	86
3.3	48	46	86
3.4	49	47	86
3.5	50	48	86

I. Grains of Vapour per Cubic Foot of Air.	II. Dry-Bulb Thermo- meter Readings. Degrees Fahrenheit.	III. Wet-Bulb Thermo- meter Readings. Degrees Fahrenheit.	IV. Percentage of Humidity (Saturation = 100).
3.6	51	49	86
3.8	52	50	86
3.9	53	51	86
4.1	54	52	86
4.2	55	53	87
4.4	56	54	87
4.5	57	55	87
4.7	58	56	87
4.9	59	57	88
5.1	60	58	88
5.2	61	59	88
5.4	62	60	88
5.6	63	61	88
5.8	64	62	88
6.0	65	63	88
6.2	66	64	88
6.4	67	65	88
6.6	68	66	88
6.9	69	67	88
7.1	70	68	88
7.3	71	69	88
7.6	72	70	89
7.8	73	71	89
8.1	74	72	89
8.4	75	73	89
8.6	76	74	89
8.9	77	75	89
9.2	78	76	89
9.5	79	77	90
9.8	80	78	90
10.1	81	79	90
10.5	82	80	90
10.8	83	81	90
11.1	84	82	90
11.5	85	83	90
11.8	86	84	90
11.2	87	85	90
12.6	88	86	90
13.0	89	87	90
13.4	90	88	90
13.8	91	89	90
14.2	92	90	90
14.7	93	91	90
15.1	94	92	90
15.5	95	93	91
16.0	96	94	90
16.5	97	95	90
17.0	98	96	90
17.5	99	97	91
18.0	100	98	90

## APPENDIX X

(CHAPTER XV., ETC.)

### TABULAR STATEMENT OF OFFENCES AND PENALTIES UNDER THE FACTORY AND WORKSHOP ACT, 1901, AND OTHER ACTS

#### (a) OFFENCES AND PENALTIES UNDER THE FACTORY ACT

THERE are two main offences and several miscellaneous offences.

(i.) The first main offence is that a factory or a workshop is not kept in conformity with the Act. This is the offence which is committed when there is a contravention of the following sections, viz. :

<i>No. of Section.</i>	<i>Scope of Section.</i>
1	Sanitary condition of factories.
6	Temperature of factories and workshops.
7	Ventilation of rooms in factories.
8	Drainage of floors in factories.
9	Sanitary conveniences in factories and workshops.
10	Fencing of machinery in factories.
11	Steam boilers in factories and workshops.
12	Self-acting machines in factories.
14 (subs. 6)	Maintenance of means of escape in case of fire in factories and workshops.
16	Doors of factories and workshops to open from inside.
74	Ventilation by fan in factories and workshops where there are dangerous processes.
75	Lavatories and meals in certain dangerous trades (factories and workshops).
76	Restrictions as to employment in wet-spinning (factories).
88	Regulations as to grinding in tenement factory.
99	Lime-washing, etc., of bakehouses.
101	Prohibition of underground bakehouses.
103 (subs. 3)	Ventilation, etc., of laundries worked by mechanical power.

Under Section 135, if a factory or workshop is not kept in

conformity with the Act, the occupier is liable to a fine not exceeding £10, and, in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than £1 for each offence.

(ii.) The second main offence is that a person has been employed in a factory or workshop, contrary to the provisions of the Act.

This is the offence which is committed when there is a contravention of the following sections, viz. :

<i>No. of Section.</i>	<i>Scope of Section.</i>
12	Self-acting machines in factories.
13	Restrictions on cleaning when machinery is in motion.
Part II. of the Act, secs. 23-67	General provisions as to employment.
69	Employment of child without school attendance certificate.
77	Prohibition of employment of young persons and children in certain factories and workshops.
78	Prohibition of taking meals in certain parts of factories and workshops.

Under Section 137, where any person is employed in a factory or workshop, other than a domestic factory or domestic workshop, contrary to the provisions of the Act, the occupier of the factory or workshop is liable to a fine not exceeding £3, or if the offence was committed during the night £5, for each person so employed, and in the case of a second or subsequent conviction in relation to a factory within two years from the last conviction for the same offence, not less than £1 for each offence ; and where any person is so employed in a domestic factory or domestic workshop the occupier shall be liable to a fine not exceeding £1, or if the offence was committed during the night £2, for each person so employed, and in the case of a second or subsequent conviction within two years from the last conviction in relation to a factory for the same offence, not less than £1 for each offence.

If a woman, young person, or child is not allowed times for meals and absence from work as required by the Act, or during any part of the times allowed for meals or absence from work is, in contravention of the provisions of the Act, employed in the factory or workshop, or allowed to remain in any room, the woman, young person, or child shall be deemed to be employed contrary to the provisions of the Act.

(iii.) The miscellaneous offences are those arising from contraventions of the provisions of the following sections, viz. :

<i>Section.</i>	<i>Scope of Section.</i>	<i>Penalty.</i>
7	Ventilation of workshops.	To be deemed a nuisance
8	Drainage of floors of workshops.	liable to be dealt with summarily under the law relating to public health.
17	Order prohibiting use of dangerous machine.	Not exceeding £2 a day during the contravention.
18	Order prohibiting use of unhealthy or dangerous factory or workshop.	„
35	Fixation of annual holidays.	„
73	Duty of doctor to notify certain diseases.	Not exceeding £2.
85	Breach of regulations for dangerous trades.	(a) On occupier, etc., not exceeding £10, and £2 per diem after conviction. (b) On other persons, not exceeding £2.
86	Publication of regulations.	(a) On occupier, failing to post up, etc., not exceeding £10. (b) On other persons, defacing, etc., notices, not exceeding £5.
Part V. as amended by the Factory and Workshop (cotton cloth factories) Act, 1911.	Cotton cloth factories.	After notice by inspector under sec. 95, for a first offence, not less than £5 and not exceeding £10, and for every subsequent offence double those amounts.
97	Sanitary regulations for bakehouses.	Not exceeding £2, and 5s. per diem after conviction.
98	Insanitary bakehouse.	(a) First offence, not exceeding £2. (b) Subsequent offence, not exceeding £5. (c) After a named period, not exceeding £1 per diem.
100	Sleeping places near bakehouse.	(a) First offence, not exceeding £1. (b) Subsequent offence, not exceeding £5.
107	Lists of outworkers.	(a) First offence, not exceeding £2. (b) Subsequent offence, not exceeding £5.
108	Homework in unwholesome premises.	Not exceeding £10.
109	Homework where there is scarlet fever, etc.	„

<i>Section.</i>	<i>Scope of Section.</i>	<i>Penalty.</i>
110	Homework after notice of infectious disease.	Not exceeding £10.
116, subs. 2, 3, and 4, and statutory orders made under this section.	Particulars.	See those subsections in full at pp. 170-171.
119, subs. 4	Obstruction of inspector.	See that subsection in full at p. 214.
127	Notice of occupation.	Not exceeding £5.
128	Affixing abstract and notices.	Not exceeding £2.
129	General registers.	Not exceeding £5.
130	Periodical returns.	Not exceeding £10.

**(b) OFFENCES AND PENALTIES UNDER THE TRUCK ACTS, ETC.**

<i>Act.</i>	<i>Offence.</i>	<i>Penalty.</i>
Act of 1831.	Employer entering into contract or making payment declared illegal by the Act.	First offence, fine not exceeding £10. Second offence, not exceeding £20 nor less than £10. Third offence, misdemeanour punishable by fine up to £100. £5 for every offence.
Hosiery Manufacture (Wages) Act, 1874, secs. 1 and 2.	Bargaining to deduct and deducting from wages.	
„ sec. 4.	Unauthorised user of frame.	10s. per day, recoverable in County Court.
Payment of Wages in Public Houses Prohibition Act, 1883.	Offence against the Act.	Fine not exceeding £10.
Act of 1887, secs. 3-10.	Employer contravening or failing to comply with any of the provisions.	As above.
Act of 1896.	Employer entering into any contract contrary to the Act, or making any deduction or receiving any payment contrary to the Act.	As above.
Act of 1896, sec. 6.	Failure on part of employer to produce contract to inspector, or to give copy to workman or shop assistant, or to keep register of deductions and payments.	Fine not exceeding £2.
Shop Club Act, 1902.	Employer contravening Act.	Fine not exceeding £5. For a second or subsequent offence within one year, not exceeding £20.

## (c) OFFENCES AND PENALTIES UNDER MISCELLANEOUS ACTS

<i>Act.</i>	<i>Offence.</i>	<i>Penalty.</i>
Hosiery Act, 1845.	Manufacturer neglecting or refusing to deliver ticket of work.	Fine not exceeding £5.
Silk Weavers Act, 1845.	No special offence or penalty.	
Metalliferous Mines Regulation Act, 1872.	Offence against the Act.	Owner or agent, fine not exceeding £20. Any other person, fine not exceeding £2.
	Offence continuing after written notice from an inspector.	Additional fine not exceeding £1 per day.
Notice of Accidents Act, 1894, sec. 1.	Failure to give notice.	Fine not exceeding £2.
Workmen's Compensation Act, 1906, sec. 12.	Failure to make returns.	Fine not exceeding £5.
Coal Mines Act, 1911.	See secs. 28, 75, 90, 95, 96, and 101 of the Act.	
Shops Act, 1912, sec. 1.	Contravening provisions as to hours of employment and meal times.	First offence. Fine not exceeding £1. Second offence. Fine not exceeding £5. Third offence, etc. Fine not exceeding £10.
Sec. 2.	Employing young persons contrary to the Act.	Fine not exceeding £1 for each young person.
"	Not exhibiting notice.	Fine not exceeding £2.
Sec. 3.	Failure to provide seats for female shop assistants.	First offence, fine not exceeding £3. Second offence, fine not less than £1 and not exceeding £5.
Sec. 4.	Non-compliance with weekly half-holiday.	Same as for sec. 1.
Sec. 5.	Non-compliance with closing order.	Same as for sec. 1.

## APPENDIX XI

### (CHAPTER XVI.)

#### THE MINING INDUSTRY

##### (a) THE SECOND SCHEDULE TO THE COAL MINES ACT, 1911

##### PART I. PROCEDURE FOR MAKING GENERAL REGULATIONS (SECTION 86)

(1) BEFORE the Secretary of State makes an Order he shall publish in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the Order and of the place where copies of the Draft Order may be obtained, and of the time (which shall not be less than thirty days) within which any objections made with respect to the Draft Order by or on behalf of persons affected must be sent to the Secretary of State.

(2) Every objection must be in writing and state—

(a) The specific grounds of objection ;

(b) The omissions, additions, or modifications asked for.

(3) The Secretary of State shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the Draft Order, and the foregoing provisions shall apply to the amended draft in like manner as they apply to the original draft.

(4) If after the publication of the notice with respect to any such Draft Order (whether an original or amended draft), any general objection as hereinafter defined is made within the required time with respect to the draft and not withdrawn, the Order shall not be made by the Secretary of State until that objection has been referred to such one of the panel of referees appointed under this Act as may be selected in manner provided by the Rules made for the purpose.

If on any such reference the referee considers that the Draft Order should be varied to meet the objection, he shall recommend



any variation which he considers necessary or expedient, and effect shall be given to those recommendations in the Order, if made.

(5) The reference committee may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors to the referee.

(6) If the Secretary of State considers that any objection, though not a general objection, is of such a character that it is desirable to refer it to a referee, he may so refer it, and in that case the foregoing provisions shall apply as in the case of a general objection.

(7) If any objection, though not a general objection, is made on behalf of the owners of mines of any particular class or mines in any separate area, and it is alleged in the objection that having regard to the special natural conditions or special methods of working in mines of that class or mines in that area the proposed Regulations ought not to apply to those mines, the Secretary of State shall, unless he is of opinion that the objection is frivolous, refer it to a referee, and in that case the foregoing provisions shall apply as in the case of a general objection.

(8) For the purposes of this section a "general objection" means an objection made either by or on behalf of owners of mines employing not less than one-third of the total number of men employed at the mines affected by the proposed Order, or, if the Order contains different provisions for different classes of mines, of the total number of men employed in any such class of mines, or by or on behalf of not less than one-third of the total number of men so employed.

The number of men employed shall be calculated in accordance with the returns for the last preceding year sent by owners of mines to the inspectors in pursuance of the provisions of this Act.

**(b) THE SECOND SCHEDULE TO THE COAL MINES ACT, 1911**

**PART II. PROCEDURE IN CASE OF SPECIAL REGULATIONS SENT TO SECRETARY OF STATE FOR APPROVAL (SECTION 87)**

(1) Where any Special Regulations have been sent under this Act to the Secretary of State for approval he shall consider the Regulations and either approve or disapprove the same.

Where the Secretary of State disapproves the Special Regulations, no further action shall be taken in the matter.

Before the Secretary of State approves the Special Regulations there shall be published, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the Regulations and of the place where copies of the

Draft Regulations may be obtained and of the time (which shall not be less than thirty days) in which any objections with respect to the Draft Regulations made by or on behalf of persons affected must be sent to the Secretary of State.

(2) Every objection must be in writing and state—

(a) The specific grounds of objection ;

(b) The omissions, additions, or modifications asked for.

(3) The Secretary of State shall consider any objection made by or on behalf of persons appearing to him to be affected which is sent to him within the required time, and he may, before approving the Special Regulations, require such amendments to be made therein as he may think fit.

(4) If the owner or a majority of workmen who have sent any objection to any Special Regulations sent for approval feel aggrieved by the refusal of the Secretary of State to give effect to their objection, the objection shall be referred to such one of the panel of referees appointed under this Act as may be selected in manner provided by the Rules made for the purpose.

If, on any such reference, the referee considers that the Regulations should be varied to meet the objection, he shall recommend any variation which he considers necessary or expedient, and the Secretary of State, before approving the Regulations, shall require that variation to be made.

(c) LEGISLATION AS TO CHECK-WEIGHING

(I) *The Coal Mines Regulation Act, 1887*

*Section 12 (1).*—Where the amount of wages paid to any of the persons employed in a mine depends on the amount of coal gotten by them, those persons shall be paid according to the actual weight gotten by them of the mineral contracted to be gotten, and the mineral gotten by them shall be truly weighed at a place as near to the pit mouth as is reasonably practicable, provided that nothing in this section shall preclude the owner, agent, or manager of the mine from agreeing with the persons employed in the mine that deductions shall be made in respect of stones or substances other than the mineral contracted to be gotten, which shall be sent out of the mine with the mineral contracted to be gotten, or in respect of any tubs, baskets, or hutches being improperly filled in those cases where they are filled by the getter of the mineral or his drawer, or by the person immediately employed by him ; such deductions being determined in such special mode as may be agreed upon between the owner, agent, or manager of the mine on the one hand and the persons employed in the mine on the other, or by some person appointed on that

behalf by the owner, agent, or manager, or (if any check-weigher is stationed for this purpose as hereinafter mentioned) by such person and such check-weigher, or in case of difference by a third person to be mutually agreed on by the owner, agent, or manager of the mine on the one hand and the persons employed in the mine on the other, or in default of agreement appointed by a chairman of a Court of Quarter Sessions within the jurisdiction of which any shaft of the mine is situate.

(2) If any person contravenes or fails to comply with, or permits any person to contravene or fail to comply with this section he shall be guilty of an offence against this Act ; and in the event of any such contravention or non-compliance by any person whomsoever, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing and to the best of his power enforcing the provisions of this section to prevent the contravention or non-compliance.

(3) Where it is proved to the satisfaction of a Secretary of State, in the case of any mine or class of mines employing not more than thirty persons underground, to be expedient that the persons employed therein should, upon the joint representation of the owner or owners of any such mine or class of mines, and the said persons, be paid by any method other than that provided by this Act, such Secretary of State may, if he think fit, by Order allow the same either without conditions or during the time and on the conditions specified in the Order.

*Section 13 (1).*—The persons who are employed in a mine and are paid according to the weight of the mineral gotten by them, may, at their own cost, station a person (in this Act referred to as a 'check-weigher') at each place appointed for the weighing of the mineral, and at each place appointed for determining the deductions in order that he may, on behalf of the persons by whom he is so stationed, take a correct account of the weight of the mineral or determine correctly the deductions as the case may be.

(2) A check-weigher shall have every facility afforded to him for enabling him to fulfil the duties for which he is stationed, including facilities for examining and testing the weighing-machine, and checking the taring of tubs and trams where necessary ; and if at any time proper facilities are not afforded to a check-weigher as required by this section, the owner, agent, and manager of the mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to enforce to the best of his power the requirements of the section.

(3) A check-weigher shall not be authorised in any way to impede or interrupt the working of the mine, or to interfere with the weighing or with any of the workmen or with the management

of the mine ; but shall be authorised only to take such account or determine such deductions as aforesaid, and the absence of a check-weigher from the place at which he is stationed shall not be a reason for interrupting or delaying the weighing or the determination of deductions at such place respectively, but the same shall be done or made by the person appointed in that behalf by the owner, agent, or manager, unless the absent check-weigher had reasonable ground to suppose that the weighing or the determination of the deductions, as the case may be, would not be proceeded with : Provided always that nothing in this section shall prevent a check-weigher giving to any workman an account of the mineral gotten by him, or information with respect to the weighing, or the weighing-machine, or the taring of the tubs or trams, or with respect to the deductions or any other matter within the scope of his duties as check-weigher, so always, nevertheless, that the working of the mine be not interrupted or impeded.

(4) If the owner, agent, or manager of the mine desires the removal of a check-weigher on the ground that the check-weigher has impeded or interrupted the working of the mine, or interfered with the weighing or with any of the workmen, or with the management of the mine, or has at the mine, to the detriment of the owner, agent, or manager, done anything beyond taking such account, determining such deductions, or giving such information as aforesaid, he may complain to a Court of Summary Jurisdiction, who, if of opinion that the owner, agent, or manager shows sufficient *prima facie* ground for the removal of the check-weigher, shall call on the check-weigher to show cause against his removal.

(5) On the hearing of the case the Court shall hear the parties, and, if they think that at the hearing sufficient ground is shown by the owner, agent, or manager to justify the removal of the check-weigher, shall make a summary Order for his removal, and the check-weigher shall thereupon be removed, but without prejudice, to the stationing of another check-weigher in his place.

(6) The Court may in every case make such Order as to costs of the proceedings as the Court may think just.

(7) If in pursuance of any Order of exemption made by a Secretary of State the persons employed in a mine are paid by the measure or gauge of the material gotten by them, the provisions of this Act shall apply in like manner as if the term 'weighing' included measuring and gauging, and the terms relating to weighing shall be construed accordingly.

(8) If the person appointed by the owner, agent, or manager to weigh the mineral impedes or interrupts the check-weigher in the proper discharge of his duties, or improperly interferes with or alters the weighing-machine or the tare in order to prevent a

correct account being taken of the weighing and taring, he shall be guilty of an offence against this Act.

*Section 14 (1).*—Where a check-weigher has been appointed by the majority, ascertained by ballot, of the persons employed in a mine who are paid according to the weight of the mineral gotten by them, and has acted as such, he may recover from any person for the time being employed at such mine and so paid, his proportion of the check-weigher's wages or recompense, notwithstanding that any of the persons by whom the check-weigher was appointed may have left the mine or others have entered the same since the check-weigher's appointment, any rule of law or equity to the contrary notwithstanding.

(2) It shall be lawful for the owner or manager of any mine where the majority of the before-mentioned persons, ascertained as aforesaid, so agree, to retain the agreed contribution of the persons so employed and paid as aforesaid for the check-weigher, notwithstanding the provisions of the Acts relating to truck, and to pay and account for the same to the check-weigher.

*Section 15 (1).*—The Weights and Measures Act, 1878, shall apply to all weights, balances, scales, steelyards, and weighing-machines used at any mine for determining the wages payable to any person employed in the mine according to the weight of the mineral gotten by him, in like manner as it applies to weights, balances, scales, steelyards, and weighing-machines used for trade.

(2) An inspector of weights and measures appointed under the said Act shall once at least in every six months inspect and examine in manner directed by the said Act the weights, balances, scales, steelyards, and weighing-machines used or in the possession of any person for use as aforesaid at any mine within his district; and shall also make such inspection and examination at any other time in any case where he has reasonable cause to believe that there is in use at the mine any false or unjust weight, balance, scale, steelyard, or weighing-machine.

(3) The inspector shall also inspect and examine the measures and gauges in use at the mines within his district; but nothing in this section shall prevent or interfere with the use of the measures or gauges ordinarily used at the mine.

(4) An inspector may, for the purposes of this section, without any authorisation from a justice of the peace, exercise at or in any mine, as respects all weights, measures, scales, balances, steelyards, and weighing-machines used or in possession of any person for use at or in that mine, all such powers as he could exercise, if authorised in writing by a justice of the peace, under Section 48 of the Weights and Measures Act, 1878, with respect to any such weights, measures, scales, balances, steelyards, and

weighing-machines as therein mentioned ; and all the provisions of that section, including the liability to penalties, shall apply to such inspection.

(5) The inspector of weights and measures shall not, in fulfilling the duties required of him under this section, impede or obstruct the working of the mine.

(2) *The Coal Mines (Check-weigher) Act, 1894*

*Section 1.*—If the owner, agent, or manager of any mine, or any person employed by or acting under the instructions of any such owner, agent, or manager interferes with the appointment of a check-weigher, or refuses to afford proper facilities for the holding of any meeting for the purpose of making such appointment, in any case in which the persons entitled to make the appointment do not possess or are unable to obtain a suitable meeting-place, or attempts, whether by threats, bribes, promises, notice of dismissal, or otherwise howsoever, to exercise improper influence in respect of such appointment, or to induce the persons entitled to appoint a check-weigher, or any of them, not to re-appoint a check-weigher, or to vote for or against any particular person or class of persons in the appointment of a check-weigher, such owner, agent, or manager shall be guilty of an offence against the Coal Mines Regulation Act, 1887.

(3) *The Coal Mines (Weighing of Minerals) Act, 1905*

*Section 1 (1).*—The power conferred by the principal Act (Coal Mines Regulation Act, 1887) on the persons employed in a mine, and paid according to the weight of the mineral gotten by them, to appoint a check-weigher, shall include power to appoint a deputy to act in the absence of the check-weigher for reasonable cause, and the expression ‘check-weigher,’ when used in the principal Act or this Act, shall include any such deputy check-weigher during such absence as aforesaid.

(2) A statutory declaration made by the person who presided at a meeting for the purpose of appointing a check-weigher or deputy check-weigher, to the effect that he presided at that meeting, and that the person named in the declaration was duly appointed check-weigher or deputy check-weigher, as the case may be, by that meeting, shall be forthwith delivered to the owner, agent, or manager of the mine, and shall be *prima facie* evidence of that appointment.

(3) Where the check-weigher or deputy check-weigher was appointed by a majority, ascertained by ballot, of the persons employed in the mine, and paid according to the mineral gotten, the declaration shall so state, and if he was not so appointed,



then it shall state the names of the persons by whom or on whose behalf the check-weigher or deputy check-weigher was appointed. Where a check-weigher or deputy check-weigher is appointed by such a majority as aforesaid, he shall be deemed to be appointed on behalf of all the persons employed in the mine who are entitled to appoint him.

(4) The facilities to be afforded to a check-weigher, under Section 13 of the principal Act, shall include provision for a check-weigher of a shelter from the weather, containing the number of cubic feet requisite for two persons, a desk or table at which the check-weigher may write, and a sufficient number of weights to test the weighing-machine.

(5) When a check-weigher or deputy check-weigher is appointed by a majority, ascertained by ballot, of the persons employed in the mine, and paid according to the mineral gotten, he shall not be removed by the persons employed in the mine except by a majority, ascertained by ballot, of the persons employed and paid as aforesaid at the time of the removal.

*Section 2 (1).*—For the purposes of the principal Act and of this Act, the persons who are entitled, under Section 13 of the principal Act, to appoint a check-weigher, and from whom he is entitled, under Section 14 of the principal Act, to recover his wages or recompense, shall be deemed to include not only the persons in charge of the working places, but also all holers, fillers, trammers, and other persons who are paid according to the weight of the mineral gotten.

(2) Where there are persons employed in a mine who are employed by a contractor who is himself paid according to weight of mineral gotten, such persons, if they are either in charge of the working places or are holers, fillers, trammers, or brushers, shall, notwithstanding that they are paid by the contractor and otherwise than in accordance with the weight of mineral gotten, be deemed to be included among those who are entitled to appoint a check-weigher, and from whom he is entitled as aforesaid to recover wages or recompense ; but the proportion of such wages or recompense recoverable in respect of such persons shall be paid by the contractor who employs them and recoverable by the check-weigher from him alone.

(3) The wages or recompense which a check-weigher may recover under Section 14 of the principal Act shall include expenses properly incurred by him in carrying out his work under the principal Act.

*Section 3.*—All persons who are entitled by the principal Act or this Act to appoint a check-weigher or deputy check-weigher shall have due notice given to them of the intention to appoint a check-weigher or deputy check-weigher, by a notice, posted at

the pithead or otherwise, specifying the time and place of the meeting, and have the same facilities given to each of them for the purpose of recording their votes, either by ballot or otherwise, in such appointment.

*Section 4 (1).*—This Act shall be construed as one with the principal Act.

(2) This Act may be cited as the Coal Mines (Weighing of Minerals) Act, 1905.

**(d) PROCEDURE FOR SETTLING DISPUTES UNDER SECTION 18 OF THE METALLIFEROUS MINES REGULATION ACT, 1872, BETWEEN OWNERS OF METALLIFEROUS MINES AND MINING INSPECTORS BY ARBITRATION UNDER SECTION 21 OF THE SAME ACT**

With respect to arbitrations under this Act, the following provisions shall have effect :

(1) The parties to the arbitration are in this action deemed to be the owner or agent of the mine, on the one hand, and an inspector of mines on behalf of the Secretary of State on the other.

(2) Each of the parties to the arbitration may, within twenty-one days after the date of the reference, appoint an arbitrator.

(3) No person shall act as arbitrator or umpire under this Act who is employed in or in the management of or is interested in the mine to which the arbitration relates.

(4) The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of such other party.

(5) The death, removal, or other change in any of the parties to the arbitration shall not affect the proceedings under this section.

(6) If within the said twenty-one days either of the parties fail to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in such case the award of the single arbitrator shall be final.

(7) If before an award has been made any arbitrator appointed by either party die or become incapable to act, or for fourteen days refuse or neglect to act, the party by whom such arbitrator was appointed may appoint some other person to act in his place ; and if he fail to do so within fourteen days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the



matters in difference, and in such case the award of such single arbitrator shall be final.

(8) In either of the foregoing cases where an arbitrator is empowered to act singly, upon one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had been made.

(9) If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed or within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.

(10) The arbitrators, before they enter upon the matters referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

(11) If the umpire die or become incapable to act before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognisance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

(12) If the arbitrators fail or refuse, or for seven days after the request of either party to neglect to appoint an umpire, then on the application of either party an umpire shall be appointed by the chairman of the General or Quarter Sessions of the Peace within the jurisdiction of which the mine is situate.

(13) The decision of every umpire on the matters referred to him shall be final.

(14) If a single arbitrator fail to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

(15) The arbitrators and their umpire, or any of them, may examine the parties and their witnesses on oath; they may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.

(16) The payment, if any, to be made to any arbitrator or umpire for his services, shall be fixed by the Secretary of State, and, together with the costs of the arbitration and award, shall be paid by the parties or one of them, according as the award may direct. Such costs may be taxed by a master of one of the superior Courts, who, on the written application of either of the parties, shall ascertain and certify the proper amount of such costs. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under this Act. The amount, if any, payable by the owner or agent may, in the

event of non-payment, be recovered in the same manner as penalties under this Act.

(17) Every person who is appointed an arbitrator or umpire under this section shall be a practical mining engineer or a person accustomed to the working of mines ; but when an award has been made under this section, the arbitrator or umpire who made the same shall be deemed to have been duly qualified by this section.

**(c) PROVISIONS AS TO SPECIAL RULES UNDER THE METALLIFEROUS MINES REGULATION ACT, 1872, SECTIONS 24-27**

The owner or agent of any mine to which this Act applies may, if he think fit, transmit to the inspector of the district for approval by a Secretary of State, Rules (referred to in this Act as Special Rules) for the conduct and guidance of the persons acting in the management of such mine, or employed in or about the same, so as to prevent dangerous accidents, to provide for the safety and proper discipline of the persons employed in or about the mine, and such special rules, when established, shall be signed by the inspector who is inspector at the time such Rules are established, and shall be observed in and about every such mine in the same manner as if they were enacted by this Act.

If any person who is bound to observe the Special Rules established for any mine acts in contravention of, or fails to comply with any of such Special Rules, he shall be guilty of an offence against this Act, and also the owner and agent of such mine shall each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the said Rules as Regulations for the working of the mine to prevent such contravention or non-compliance (Section 24).

The proposed Special Rules, together with a printed notice specifying that any objection to such Rules on the ground of anything contained therein or omitted therefrom may be sent by any of the persons employed in the mine to the inspector of the district at his address, stated in such notice, shall, during not less than two weeks before such Rules are transmitted to the inspector, be posted up in like manner as is provided in this Act respecting the publication of Special Rules for the information of persons employed in the mine, and a certificate that such Rules and notice have been posted up shall be sent to the inspector with the Rules, signed by the person sending the same.

If the Rules are not objected to by the Secretary of State within forty days after their receipt by the inspector, they shall be established.

If the owner or agent makes any false statement with respect to the posting up of the Rules and notices he shall be guilty of an offence against this Act (Section 25).

If the Secretary of State is of opinion that the Special Rules so transmitted, or any of them, do not sufficiently provide for the prevention of dangerous accidents in the mine, or for the safety of the persons employed in or about the mine, or are unreasonable, he may, within forty days after the Rules are received by the inspector, object to the Rules, and propose to the owner or agent in writing any modifications in the Rules by way either of omission, alteration, substitution, or addition.

If the owner or agent do not, within twenty days after the modifications proposed by the Secretary of State are received by him, object in writing to them, the proposed Special Rules, with such modifications, shall be established. If the owner or agent sends his objection in writing within the said twenty days to the Secretary of State, the matter shall be referred to arbitration, and the date of the receipt of such objection by the Secretary of State shall be deemed to be the date of the reference, and the Rules shall be established as settled by an award on arbitration (Section 26).

After Special Rules are established under this Act in any mine the owner or agent of such mine may from time to time propose in writing to the inspector of the district for the approval of a Secretary of State any amendment of such Rules, or any new Special Rules, and the provisions of this Act with respect to the original Special Rules shall apply to all such amendments and new Rules in like manner, as near as may be, as they apply to the original Rules.

A Secretary of State may from time to time propose in writing to the owner or agent of a mine in which there are no Special Rules, any Special Rules, and to the owner or agent of a mine in which there are Special Rules, any new Special Rules, or any amendment to such Special Rules, and the provisions of this Act, with respect to a proposal of the Secretary of State for modifying the Special Rules transmitted by the owner or agent of a mine, shall apply to all such proposed Special Rules, new Special Rules, and amendments in like manner, as near as may be, as they apply to such proposal (Section 27).

(f) PROCEDURE FOR MAKING ORDERS UNDER THE MINES  
ACCIDENTS (RESCUE AND AID) ACT, 1910

Before the Secretary of State makes any Order under the Act he must publish in such manner as he may think best adapted for informing persons affected, notice of the proposal to make

the Order, and of the place where copies of the Draft Order may be obtained, and of the time (which must not be less than thirty days) within which any objections made with respect to the Draft Order by or on behalf of persons affected must be sent to him.

Every objection must be in writing, and state—

(a) The specific grounds of objection ;

(b) The omissions, additions, or modifications asked for.

The Secretary of State must consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he think fit, amend the Draft Order, which must be published as a fresh proposal.

If, after the publication of the notice with respect to any such Draft Order, any ' general objection ' is made within the required time with respect to the draft and not withdrawn, the Order shall not be made by the Secretary of State until that objection has been referred to a referee agreed upon between the Secretary of State and the objectors, or in default of agreement, appointed by the Lord Chief Justice of England. A ' general objection ' means an objection made either by or on behalf of owners of mines employing not less than one-third of the total number of men employed at the mines affected by the proposed Order, or, if the Order contains different provisions for different classes of mines, of the total number of men employed in any such class of mines, or by or on behalf of not less than one-third of the total number of men so employed. The number of men so employed is to be calculated in accordance with the returns for the last preceding year sent by owners of mines to the Inspector in pursuance of Section 1 of the Metalliferous Mines Regulation Act, 1875.

If on any such reference the referee considers that the Draft Order should be varied to meet the objection, he is to recommend any variation which he considers necessary or expedient, and effect must be given to those recommendations in the Order, if made. If the Secretary of State considers that any objection, though not a ' general objection,' is of such a character that it is desirable to refer it to a referee, he may so refer it, and in that case the foregoing provisions apply as in the case of a ' general objection.' The Secretary of State may make Regulations as to the procedure and costs on a reference.

An Order may be revoked, altered, or added to by an Order made in like manner and subject to the same provisions as the original Order.

## APPENDIX XII

### (CHAPTER XVIII.)

#### NATIONAL HEALTH INSURANCE

**(a) THE NATIONAL HEALTH INSURANCE (COLLECTION OF CONTRIBUTIONS) CONSOLIDATED REGULATIONS, 1914, AS TO THE PAYMENT AND COLLECTION OF CONTRIBUTIONS**

##### PART I. GENERAL

1. THESE Regulations may be cited as the National Health Insurance (Collection of Contributions) Consolidated Regulations, 1914, and shall have effect as from the 12th day of January 1914.

2. (1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them :

“ The Act ” means Parts I. and III. of the National Insurance Act, 1911.

“ The Joint Committee ” means the National Health Insurance Joint Committee.

“ The Commissioners ” means the Insurance Commissioners.

“ Society ” means any Society approved for the purposes of the Act, and includes a branch of a Society.

“ Exempt person ” means a person to whom a certificate of exemption, not being a certificate issued under Subsection (8) of Section 44 of the Act, has been granted by any of the several bodies of Commissioners appointed under the Act.

“ Low-wage contributor ” means a contributor of the age of 21 years or upwards, not being a contributor in respect of whom reduced contributions are payable under Section 47 or Section 53 of the Act, whose remuneration does not include the provision of board and lodging by his employer and the rate of whose remuneration does not exceed two shillings a working day.

“ Employment ” means employment within the meaning of the Act.

“ Card ” means a card issued under these Regulations, or, where the circumstances so require, under the corresponding Regulations of any other of the several bodies of Commissioners appointed under the Act ; and “ proper card ” in relation to any insured or exempt person means such a card as is appropriate to the circumstances of the case of that person.

“ Stamp ” means a stamp issued under Section 108 of the Act for the purposes of the Act.

“ Insurance book ” means an insurance book issued under these Regulations.

“ Week ” means the period from midnight on one Sunday to midnight on the following Sunday.

“ Period of currency ” means the period during which any card is current.

“ Postmaster ” includes a sub-postmaster.

(2) For the purposes of these Regulations, separate periods of employment in the service of one employer with intervening periods of employment in the service of another employer shall be deemed to be separate employments.

(3) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

3. (1) These Regulations shall not, unless otherwise expressed, apply :

(a) To persons employed in the naval or military service of the Crown ; or

(b) To masters, seamen, or apprentices to the sea service or to the sea-fishing service.

4. Where by these Regulations anything is required to be done by any postmaster the Regulations shall have effect only in so far as His Majesty's Postmaster-General may concur therein.

5. The Regulations specified in the First Schedule to these Regulations are hereby revoked as from the 12th day of January 1914, but without prejudice to any right, privilege, obligation, or liability acquired, accrued, or incurred under any of those Regulations, or to any adaptation or application thereof in any other Regulations issued by the Commissioners or by the Joint Committee.

## PART II. EMPLOYED CONTRIBUTORS

6. (1) Every person who becomes an employed contributor shall, upon becoming an employed contributor, apply to the Society of which he is a member, or, if he is not a member of a Society, to a postmaster, for the issue to him of a proper card, and the Society or postmaster to whom such application is made shall issue a card to him accordingly.

(2) Every Society shall, on or before the expiration of the period of currency of a card, issue to each member being an employed contributor the proper card for the next period of currency.

(3) If an employed contributor being a member of a Society has not received a proper card from his Society at the beginning of a period of currency, he shall make application for a card to his Society, and if he does not receive a card before the time when it is required for presentation to his employer as hereinafter provided, he shall make application to a postmaster for the issue to him of a card, and the postmaster shall issue a card to him accordingly.

(4) If an employed contributor who is not a member of a Society has not received a proper card from the Commissioners at the beginning of a period of currency, he shall apply to a postmaster for the issue to him of a proper card, and the postmaster shall issue a card to him accordingly.

(5) An employed contributor shall, where he is transferred from one Society to another, or otherwise ceases to be a member of a Society, or being a deposit contributor becomes a member of a Society, or where the card is lost or destroyed, or so damaged as to become useless for the purpose for which it is issued, and may, where he changes his employment during a period of currency, make an application to the Society of which he is or becomes a member, or to a postmaster, as the case may require, for the issue to him of a new card, and upon the receipt of that application the Society or postmaster shall issue to him a new card accordingly.

(6) Where any person, being a voluntary contributor (other than a voluntary contributor under Subsection (2) of Section 44 of the Act), becomes an employed contributor, he may, as he thinks fit, either retain the card issued to him as a voluntary contributor and treat it as having been duly issued to him under this Article, or surrender the card and apply for the issue of a card to him as an employed contributor.

(7) Where a married woman obtains a certificate of exemption under Subsection (8) of Section 44 of the Act, she shall make application to the Society of which she is a member for the issue to her of a proper card, and the Society shall issue a card to her accordingly.

(8) A Society or postmaster issuing any card shall inscribe upon it the name and address of the contributor to whom it is issued, and a Society may, if it thinks fit, further inscribe upon the card the number of the contributor as it appears in the books of the Society.

7. (1) An employer of an employed contributor may at any



reasonable time require that contributor to produce the proper card for the current period, and the contributor shall thereupon, unless prevented by some reasonable cause, produce the card accordingly.

(2) Every employed contributor shall, unless prevented by some reasonable cause, deliver up the proper card to his employer at such times as the employer may reasonably require it for the purpose of stamping in accordance with these Regulations.

(3) An employer may retain in his possession any card delivered up to him for the purpose of being stamped until it has been so stamped or, with the consent of the employed contributor, and, except as hereinafter provided, until the expiration of the period of currency of the card, and on the expiration of that period, or within six days thereafter, the employer shall return the card to the contributor duly stamped. The employer shall exercise reasonable care to prevent the loss or destruction of any card so retained by him.

8. (1) Every employer shall, whenever any officer appointed under the Act so requests him, either in person or by notice in writing, produce or cause to be produced to the officer the card then current of any employed contributor employed by him, and, subject to the provisions of paragraph (3) of the preceding Article, the employer shall, upon receiving back the card from the officer, return it forthwith to the contributor.

(2) The employer shall return to the contributor any card in his possession at each of the times following, that is to say :

(a) On the termination of the employment ;

(b) On the expiration of the period of currency of the card or within six days thereafter ;

(c) Within 48 hours after receiving a request in that behalf from the contributor.

Where for any reason, other than the loss or destruction of the card, the card cannot be returned to the contributor, the employer shall, as soon as may be, send it to the Commissioners.

(3) In any case where a card is returned by an employer to the contributor, the contributor shall give to the employer, if the employer so requires, a receipt for the card.

9. (1) Every contribution payable under the Act shall, except as otherwise provided in these Regulations, be paid by the affixing of a stamp to the card of the contributor in the space indicated for that purpose upon the card.

(2) An employer who is liable to pay contributions in respect of any contributor employed by him shall pay those contributions at the following times and in accordance with the following provisions, that is to say :

(i.) Where he pays to the contributor wages or other



pecuniary remuneration in respect of the employment, he shall, before paying to the contributor the wages or remuneration in respect of the period for which contributions are payable, affix to the card of the contributor a stamp or stamps in payment of the contributions due in respect of that period :

Provided, nevertheless, that it shall be the duty of the employer in any case—

(a) Before the termination of the employment,

(b) Within six days after the expiration of the period of currency of the card,

(c) Within 48 hours after receiving a request in that behalf from the contributor—

to affix to the card of the contributor a stamp or stamps in payment of all the weekly contributions payable in respect of the period ending at the date of such termination, expiration, or request ;

(ii.) Where he does not pay to the contributor wages or other pecuniary remuneration in respect of the employment, he shall, on the first day of employment in each week, affix to the card of the contributor a stamp in payment of the contribution in respect of that week.

(iii.) In the case of a man of the Naval Reserve, or of the Army Reserve, or of the Territorial Forces who is for the time being, by reason of Subsection (8) of Section 46 of the Act deemed to be in the sole employment of the Crown, the time for affixing stamps to the card of the contributor shall, where the period of currency of the card expires during any period of training, be any time before the expiration of the period of currency, and where the period of currency does not so expire, be any time before the termination of the training.

(iv.) Where an employed contributor fails to deliver up to his employer a card for the purpose of being stamped, the employer shall pay any contribution payable in respect of him by affixing a stamp to a card (in these Regulations called an " emergency card ") to be obtained for the purpose from a postmaster, and shall forthwith deliver the emergency card to the contributor duly stamped :

Provided that where a low-wage contributor fails to deliver up a card for the purpose of being stamped, it shall be the duty of the employer, instead of obtaining an emergency card, to obtain from a postmaster a card proper to a low-wage contributor and forthwith to deliver it to the contributor duly stamped.

(3) The Commissioners may, if they think fit, and subject to such terms and conditions as they may impose, approve any arrangement whereby stamps are affixed at times, or contributions paid in a manner other than those prescribed, so, however, that no such arrangement shall authorise the payment of any contribution at a date later than that upon which the wages of other pecuniary remuneration for the period in respect of which the contribution is payable are paid, unless such deposit of money by way of security is made as the Commissioners shall approve.

10. (1) An employer shall, immediately after affixing any stamp to a card, cancel the stamp by writing in ink or stamping with a metallic die with black indelible ink or composition across the face of the stamp the date upon which it is affixed, and in the case of an emergency card shall, in addition, write across the face of the stamp the name of the contributor.

(2) In the case of a low-wage contributor, the employer shall, in addition to complying with the other requirements of this Article, immediately after affixing any stamp to a card proper to a low-wage contributor, write his initials above the stamp, and shall, upon the return of the card to the contributor, sign the certificate set forth at the foot of the card.

(3) An employer may, if he thinks fit, inscribe upon the card of any employed contributor employed by him, but only in such manner as to be easily erased or removed, the number of that contributor upon the pay-list or in the books of the employer.

(4) Save as otherwise expressly provided in these Regulations and in the Regulations made under Section 108 of the Act, no writing or other mark shall be made at any time upon the card or stamp until after the surrender of the card to the Society or the Commissioners.

11. (1) Upon making any claim for benefit, an employed contributor shall, if so required, produce his card to the Society of which he is a member, or, in the case of a deposit contributor, to the Insurance Committee or to the Commissioners.

(2) Every employed contributor who is a member of a Society shall surrender his card to his Society, or, if he is not a member of a Society, shall forward it to the Commissioners, at the times following, that is to say :

(i.) If he is a member of a Society,

(a) Upon being transferred from one Society to another, in which case he shall surrender his card to the Society to which he is transferred, and that Society shall transmit the card to the Society from which he is transferred ; and

(b) Upon otherwise ceasing to be a member of a Society ;

- (ii.) Whether he is or is not a member of a Society,
  - (a) Upon the card becoming defaced so as to be useless for the purpose for which it was intended ;
  - (b) Within fourteen days after the expiration of the period of currency of the card ;
  - (c) Upon becoming a voluntary contributor ;
  - (d) In the case of a woman who before marriage was an employed contributor, upon ceasing on or after marriage to be employed ; and
  - (e) Upon ceasing to be an insured person :

Provided that where a deposit contributor becomes a member of a Society, he shall, upon joining that Society, surrender his card to the Society, and the Society shall transmit the card to the Commissioners.

(3) Every employed contributor shall, if required so to do by his Society or by the Commissioners, on or before surrendering a card in pursuance of these Regulations, sign the card in the place indicated for the purpose on the card, and every employed contributor, being of the age of 21 years or upwards whose remuneration does not include the provision of board and lodging by his employer, shall, upon surrendering a card, other than a card proper to a low-wage contributor, bearing stamps representing contributions paid or purporting to be paid in respect of any period in which his rate of remuneration does not exceed two shillings a working day, make and sign a declaration as to the rate of his remuneration.

12. (1) Any contributor desiring to pay any arrears of contributions may apply to the Society of which he is a member for an arrears card, and the Society shall inscribe thereon such particulars as may from time to time be required by the Commissioners, and shall issue to him a card so inscribed.

(2) The contributor may affix to the arrears card so issued stamps in payment of any arrears of contributions which are payable by him.

(3) For the purpose of the payment of arrears by deposit contributors, the Commissioners shall be substituted for the Society.

(4) For the purpose of reckoning arrears payable by a contributor during any period of unemployment, contributions shall be deemed to be payable during that period on the first day of each week, unless the contributor is on that day incapable of work through some specific disease or bodily or mental disablement of which notice has been given, and in that case the contribution shall be deemed to be payable on the first day of that week after the termination of the incapacity :

Provided that where a contributor has been rendered incapable of work as aforesaid for a continuous period extending over parts

of two weeks, and those parts taken together amount to more than six days, no contribution shall be deemed to be payable in respect of the second week, unless the contributor has in that week rendered services to an employer.

(5) Arrears shall be deemed to have been paid at the time of the surrender of the arrears card bearing the appropriate stamp to the Society of which the contributor paying arrears is a member, or, if he is a deposit contributor, to the Commissioners.

13. Every contributor himself affixing a stamp to a card shall immediately cancel it by writing the date in ink across the face of the stamp :

Provided that where the person so affixing a stamp is unable legibly to write the date across the face of the stamp he may, instead of himself cancelling the stamp, deliver his card to a postmaster for the purpose of the stamp being cancelled by the postmaster with the official date stamp.

14. This Part of these Regulations shall apply to an exempt person as it applies to an employed contributor who is not a member of a Society, other than a low-wage contributor, subject to the following modifications :

- (a) An employer who affixes a stamp to an emergency card in respect of an exempt person shall inscribe on the card, in addition to the name of the exempt person, the number of the certificate of exemption held by the exempt person ;
- (b) The proper card for an exempt person shall in all cases be issued by, and returned to, the Commissioners ;
- (c) The provisions as to arrears cards and the payment of arrears shall not apply ;
- (d) An exempt person shall surrender his card to the Commissioners on ceasing to be an exempt person ;
- (e) The Commissioners shall issue to every exempt person an exemption book in the form set out in the Second Schedule to these Regulations, or in such form substantially to the like effect as the Commissioners may determine, and the exempt person shall, upon receipt thereof, produce it to his employer, and shall also produce it to his employer at the time of entering any new employment, and at such other times as the employer may reasonably require, and upon the expiration or avoidance of a certificate, or at any time when he wishes to surrender the certificate, the exempt person shall return the exemption book to the Commissioners with a statement, in such form as they may direct, of the circumstances in which the certificate is surrendered.

[Part III., relating to Voluntary Contributors, is omitted.]

#### PART IV. OUTWORKERS

16. In this Part of these Regulations, unless the context otherwise requires, the following expressions have the meaning hereby assigned to them :

“ Year ” means the period of fifty-one weeks beginning on the 14th day of July, 1913, and thereafter any period comprising two successive periods of currency and beginning from the termination of a year ;

“ A unit of work ” means such amount of work as may be fixed under this Part of these Regulations for any class or classes of work in which an outworker is employed.

17. (1) Any person who is the employer of an outworker may give a notice (in this Part of these Regulations called a “ notice of entry ”) to the Commissioners in the form set out in the first part of the Third Schedule to these Regulations or in such form to the like effect as may from time to time be approved by the Commissioners, either in respect of all outworkers employed by him, or in respect of any class of outworkers employed by him ; and where any such notice of entry is given, this Part of these Regulations shall, as from the day on which the notice takes effect, apply to all outworkers in respect of whom the notice is given.

(2) A notice of entry shall not, without the consent of the Commissioners, take effect save from the first day of the period of currency next following, and shall be given not less than fourteen days before it takes effect.

(3) An employer who has given a notice of entry may give a notice in writing (in this Part of these Regulations called a “ notice of withdrawal ”) to the Commissioners, that he desires that this Part of these Regulations shall no longer apply to the outworkers employed by him, or to any class of those outworkers ; and where any such notice of withdrawal is given, this Part of these Regulations shall, as from the day on which the notice takes effect, cease to apply to all outworkers in respect of whom the notice is given.

(4) A notice of withdrawal shall not, without the consent of the Commissioners, be given less than one month before the date specified therein as the date on which the notice is to take effect, and shall not take effect except on the termination of two, or any multiple of two, periods of currency from the date on which this Part of these Regulations first became applicable to the outworkers specified in the notice : Provided that for the purpose of this paragraph where a notice of entry has taken effect at a date other than the commencement of a period of currency it

shall be deemed to have become applicable to the outworkers specified therein as from the commencement of the period of currency in which it took effect.

(5) An outworker, regularly employed by an employer who has not given a notice of entry applicable to that outworker, may give notice in writing to any other employer who has given a notice of entry, that he desires that this Part of these Regulations shall no longer apply to him, and this Part of these Regulations shall thereupon cease to apply to the outworker as from the termination of the period of currency in which such notice is given by him, or if the employer to whom such notice is given consents, as from any earlier date after the outworker has given such notice.

(6) For the purpose of this Part of these Regulations a class of outworkers includes—

- (a) All outworkers employed by an employer in a particular locality ; or
- (b) All outworkers employed by an employer in doing any particular class or classes of work ; or
- (c) Any outworker who may from time to time sign a statement in the form set out in the second part of the Third Schedule to these Regulations, or a form to the like effect, agreeing that all contributions payable in respect of him under the Act shall be paid by reference to the work done by the outworker :

Provided that any form so signed by an outworker shall be retained by the employer and shall, on demand, be produced by him to any inspector or other officer appointed under the Act.

18. (1) Where an employer has given a notice of entry in respect of an outworker, and the notice is still in force, that employer shall, instead of paying contributions for each week in which work is done for him by an outworker to whom this Part of these Regulations applies, pay one contribution for each unit of work or part of a unit of work done by the outworker, and such payments shall be irrespective of contributions paid by other employers in respect of the same outworker, whether under this Part of these Regulations or otherwise :

Provided that when a contribution has been paid for less than a whole unit of work, no further contribution shall be payable by the employer in respect of any further work, unless and until such further work, together with the work done for that employer for which the contribution was paid, amounts to more than a whole unit of work.

(2) The contribution payable under this Part of these Regulations for each unit of work in respect of an outworker and the employer's and contributor's contributions respectively shall be



the same as would be payable for each week, if this Part of these Regulations were not applicable to that outworker.

(3) Every contribution payable in respect of an outworker under this Part of these Regulations shall be paid by affixing to a proper card a stamp or stamps in the space indicated for that purpose on the card, and the stamp or stamps shall be so affixed before payment is made by the employer to the outworker for the work in respect of which that contribution is payable.

19. (1) The unit of work shall for the classes of work set out in the first column of the third part of the Third Schedule to these Regulations be an amount of work in respect of which the payment made to the outworker, after deduction of any expenses incurred by the outworker which are necessarily incidental to the work, is the sum set out in the second column of that Schedule :

Provided that if any outworker or any employer of an outworker gives notice to the Commissioners in the form set out in the fourth part of the Third Schedule to these Regulations, desiring them as respect any class of work, or any class of work done in a locality, or for any employer or group of employers, specified in the notice, to vary the unit of work for the time being applicable to that class of work, the Commissioners may fix such a unit of work as they think fit for that class of work, and the unit of work so fixed shall be substituted for the unit of work specified in the third part of the Third Schedule to these Regulations :

Provided also that on sufficient cause being shown the Commissioners may vary any unit of work with respect to any class of work, or any class of work done in a locality, or for any employer or group of employers, notwithstanding that such notice has not been given, and the units of work so fixed by the Commissioners shall have effect as if fixed in pursuance of a notice under this Article.

(2) In fixing units of work for any class of work, the Commissioners shall have regard to the average amount of work done in a week by outworkers employed in full time employment in that class of work ; provided that where the work is of a seasonal nature and subject to periodical fluctuation, the Commissioners may have regard to the average amount of work done by a regularly employed outworker in a week in that class of work.

20. Where an employer employs an outworker in respect of whom he has given a notice of entry in two or more classes of work to which different units are applicable, and does not issue to him a separate card in respect of each class of work and pay contributions in accordance with the different units, he shall pay contributions in respect of that outworker as if the lowest unit of work applicable to any of the classes of work done by him were applicable to all and each of such classes of work.

21. (1) If in any year fifty-two contributions have been paid, whether under this Part of these Regulations or otherwise, by or in respect of an outworker, the outworker may apply to his Society, or, in the case of a deposit contributor, to the Commissioners, for a certificate that all contributions payable in respect of him for that year have been paid, and the Society or Commissioners, as the case may be, shall issue such a certificate to him accordingly :

Provided that in the case of an outworker who is an exempt person any employer of that outworker may himself apply to the Commissioners for a certificate, and the Commissioners may issue to that employer and to any other employer of the outworker a certificate accordingly.

(2) Notwithstanding anything in these Regulations, any employer who employs a person to or in respect of whom such a certificate has been granted shall not be required to pay any contribution in respect of that contributor during the remainder of the year in respect of which that certificate was issued.

22. (1) For the purpose of calculating the number of contributions paid by or in respect of any outworker to whom this Part of these Regulations applies and for the purpose of reckoning his arrears, any contributions paid in respect of a unit of work shall be reckoned as if it were a contribution paid in respect of an employed contributor to whom this Part of these Regulations does not apply.

(2) An outworker in respect of whom a notice of entry has been given may, if he thinks fit, himself pay during any year any contributions in respect of that year in excess of the number of contributions payable by his employer or employers, provided that the total number of contributions for that year, paid by himself and his employer or employers, does not exceed at the time of payment the maximum number of contributions which could have been paid during the period from the beginning of the year to the date of payment in respect of an employed contributor to whom this Part of these Regulations does not apply, but, save as aforesaid, he shall not, so long as this Part of these Regulations applies to him, be entitled to pay any arrears until the expiration of the year during which the arrears have accrued.

23. (1) Every employer of outworkers who has given a notice of entry shall keep conspicuously posted in the place where he gives out articles or materials to outworkers, in such manner as to be seen by those outworkers, notice in a form approved by the Commissioners, containing a statement of the unit of work applicable to each class of work there given out, and a table of the rates of contribution payable.

(2) Every such employer shall keep a record in plain words



and figures of the amount paid for each parcel of work given out to an outworker, of the name of the outworker to whom it is given out, and of the unit of work applicable thereto :

Provided that, where the particulars above mentioned are recorded by entries made by the employer in a wages book kept by the outworker, such entries shall be deemed to be a sufficient compliance with these provisions.

24. (1) Every employer who has given a notice of entry shall, at the beginning of every period of currency, or so soon thereafter as a contribution becomes payable by him under this Part of these Regulations, make application to the Commissioners for the proper cards, and inscribe thereon the name and address of the outworker to whom the card is issued and of the employer by whom the card is issued and the amount of the unit of work, and also, in the case of an exempt person, the number of his certificate of exemption, and shall issue a card so inscribed to each outworker in respect of whom he has given notice of entry :

Provided that where an employer employs an outworker in respect of whom he has given such notice in two or more classes of work to which different units of work are applicable, the employer shall, unless he elects to pay contributions at a uniform rate as provided in this Part of these Regulations, issue to such outworker a separate card in respect of each class of work.

(2) No card issued by an employer under this Part of these Regulations shall be used for the payment of contributions otherwise than under this Part of these Regulations or by any employer other than the employer by whom the card is issued.

25. Part II. of these Regulations, except in so far as inconsistent with this Part, shall apply to the employment of an outworker by any employer who has given a notice of entry applicable to that outworker, as if a contribution payable under this Part were a weekly contribution :

Provided that if an outworker fails to produce and deliver up to his employer a card, the employer shall, instead of preparing and stamping an emergency card, inscribe the name and address of the outworker on a proper card for the current period, and shall issue the card duly stamped to the outworker.

26. Nothing in this Part of these Regulations shall apply—

- (a) To any outworker who does not himself, in the ordinary course of his employment as an outworker, do the greater part of the work given out to him ; or
- (b) To any outworker employed in any class of work as to which the Commissioners certify that the unit of work would be, if fixed in accordance with these Regulations, work for which a payment of not less than 30s. in case of men, or 17s. 6d. in case of women, is made.

## PART V. GROUPED EMPLOYERS

27. (1) Where any persons are ordinarily employed by two or more employers in a week, the employers, or any class or group of the employers, of those persons may, if they think fit, submit to the Commissioners a scheme for the payment of contributions under the Act in respect of those persons.

(2) Where the Commissioners are satisfied that any scheme so submitted to them is such as to secure the due payment of the contribution payable under the Act in respect of every employed contributor to whom the scheme applies for every week during any part of which he is employed by any employer who is a party to the scheme, they may, if they think fit, approve the scheme.

(3) Any such scheme may make such modifications in these Regulations as may be necessary to give effect to the arrangements made under the scheme.

(4) Where a scheme has been approved by the Commissioners, the parties to the scheme who have employed any person to whom the scheme applies in the course of a week shall in respect of that week be deemed jointly to be the employer of that person for the purposes of the provisions of the Act relating to the payment of contributions.

28. In the case of a person employed as an agent by two or more employers and paid by commission or fees or a share in the profits, or partly in one and partly in another of those ways, the employer in the employment on which the person employed as an agent is mainly dependent for his livelihood shall be deemed to be the employer of that person for the purposes of the provisions of the Act relating to the payment of contributions.

29. If an outworker during any week works on any articles or materials given out to him by an employer who has not given notice of entry in respect of him under Part IV. of these Regulations, that employer shall for the purpose of the provisions of the Act relating to the payment of contributions be deemed to be the employer of the outworker for that week, if at the time of the return of the work to the employer a contribution has not already been paid in respect of the outworker for that week by another employer who has not given notice of entry in respect of him under Part IV. of these Regulations.

30. Where any person is employed by two or more employers in any week and no one of those employers is the first person employing him in that week within the meaning of the Act, then, unless the case is one for which other provision is expressly made by these Regulations, that one of the employers who first makes a money payment to the person employed in respect of his employment in that week shall be deemed to be the employer

of that person for the purpose of the provisions of the Act relating to the payment of contributions.

31. (1) Notwithstanding anything in this part of these Regulations, where any one person is ordinarily employed by more than one employer in the week, the employers of that person may enter into an agreement for the payment of contributions in respect of that person in such form as the Commissioners may approve, and where any such agreement is entered into between any such employers the following provisions shall have effect:

- (a) Where in any week the person in respect of whom the agreement is made is, before any contribution has been paid in respect of him for that week, employed by an employer who is not a party to the agreement, that employer shall, for the purposes of the provisions of the Act relating to the payment of contributions, be deemed to be the employer of that person for that week;
- (b) If in any week a contribution is payable by the employers who are parties to the agreement or by any of them, that contribution shall in the first such week be paid by that one of the parties to the agreement employing the contributor during that week whose signature to the agreement appears first in order, and in any subsequent week by that one of the parties to the agreement employing the contributor during that week whose signature to the agreement is next in succession to that of the person who paid the last weekly contribution payable by the parties to the agreement, and for this purpose the signatures of the parties shall be read in rotation, the first signature being deemed to be next in succession to the last, and the signature of any person who does not employ the contributor during that week being disregarded;
- (c) The employer whose duty it is to pay the contribution for any week shall be deemed to be the employer of the contributor for the purpose of the provisions of the Act relating to the payment of contributions;
- (d) Any one of the parties to the agreement may, immediately after paying a contribution, but not at any other time, strike out his signature to the agreement and write his initials with the date opposite his signature, and upon so doing he shall cease to be a party to the agreement, and the contributor may, upon ceasing to be employed by any person who is a party to the agreement, strike out from the agreement the signature of that person, and on so doing shall write his own initials with the date opposite the signature so struck out;

- (e) If at any time any other person employing or about to employ the contributor desires to become a party to the agreement, he may, subject as hereinafter provided, affix his signature, with the date, at the end of the signatures appended to the agreement, and this part of these Regulations shall thenceforth apply to him in like manner as if he had been an original party to the agreement :

Provided that where a contribution would be payable in any week in respect of the contributor by any such other person, if that person did not become a party to the agreement, that person shall not be entitled to affix his signature as aforesaid unless and until he pays the contribution so payable.

(2) Employers desiring to enter into an agreement for the purposes of this Part of these Regulations must enter their names and addresses in a book to be issued for the purpose by the Commissioners, and every such book shall be signed in each week by the employer paying the contribution in respect of that week.

(3) Upon the termination of the periods specified in any such book, the agreement shall cease to be binding upon the employers, and any person having possession of the book shall forthwith return it to the Commissioners.

#### PART VI. INTERMEDIATE EMPLOYERS

32. (1) Where a contributor engaged in any of the employments specified in the first column of the Fourth Schedule to these Regulations works under the general control and management of the person specified in the corresponding entry in the second column of that Schedule, that person (in this Part of these Regulations called the principal employer) shall, notwithstanding that he is not the immediate employer of the contributor, be deemed to be the employer for the purposes of the provisions of the Act relating to the payment of contributions, and those provisions and Part II. of these Regulations shall be construed and have effect as if that person were the immediate employer of the contributor.

(2) The principal employer shall be entitled to deduct the amount of any contribution paid by him on behalf of any contributor whose employer he is deemed to be by virtue of this Part of these Regulations from any sums payable by him to the immediate employer in respect of the period or any part of the period for which the contribution has been paid, and upon any such contribution being so paid by the principal employer, the

immediate employer shall be entitled to recover from the employed contributor the like sum and in the like manner as if he had paid the contribution.

**PART VII. CARDS AND INSURANCE BOOKS AND  
MISCELLANEOUS PROVISIONS**

33. (1) The Commissioners shall supply insurance books for issue to insured persons for the purpose of recording particulars of contributions, benefits, and arrears, and such other matters as the Commissioners may from time to time think fit.

(2) Every Society upon issuing a card to any member not previously a contributor, or upon accepting any contributor as a member, shall thereupon enter in an insurance book such particulars as may from time to time be required by the Commissioners, and shall issue that book to that member :

Provided that if the Commissioners are satisfied on the application of any Society that for any reason it is desirable that insurance books should not be issued by that Society to its members or any class of its members, the Commissioners may exempt that Society from its obligation to issue books to its members, and where any Society is so exempted these provisions shall not apply to the members of the Society so exempted.

(3) Every Society shall, at such times as the Commissioners may require, enter in every insurance book coming into its possession such particulars, including, in the case of a seaman, marine, or soldier, particulars relating to the period during which he was in the service of the Crown, as the Commissioners may from time to time require.

(4) A Society may insert in the insurance book of any member of the Society pages containing such matter relating to the affairs of the Society or to any transactions between the member and the Society as it may think fit, and may, with the consent of the Commissioners, insert such matter on the last page of the cover of the book.

(5) The Commissioners shall issue an insurance book to every deposit contributor as soon as may be after the time when he becomes a deposit contributor.

(6) A contributor who loses his insurance book shall forthwith make application to the Society or the Commissioners, as the case may require, and upon the receipt of that application the Society or the Commissioners shall, if satisfied that the book has been lost, issue to him a new book.

(7) No person shall deface or destroy an insurance book or alter or amend any of the figures or other particulars therein contained.

34. (1) Every contributor shall deposit his insurance book with the Society, Insurance Committee, or the Commissioners, as the case may require, at all reasonable times when required so to do, and every contributor who is a member of a Society shall produce his insurance book to the Society when giving notice of disease or disablement, or when making any claim for maternity benefit.

(2) Every contributor shall, upon surrendering his contribution card, deposit his insurance book with the Society of which he is a member, or, if he is not a member of a Society, shall forward it to the Commissioners, and the Society or the Commissioners, as the case may be, shall return the book to the contributor as soon as may be after the deposit, or in the case of a contributor requiring his insurance book for the purpose of claiming unemployment benefit under Part II. of the National Insurance Act, 1911, within seven days after application made by him.

(3) Every contributor shall deposit his insurance book with the Society of which he is a member, or with the Commissioners, as the case may be, upon the expiration of the period of currency of the book, or whenever the book is so defaced as to be rendered useless for the purpose for which it is issued, and the Society or the Commissioners, as the case may be, shall issue to him a new insurance book, and shall, where the book is deposited on the expiration of its period of currency, return the book as soon as may be after the deposit, or in the case of a contributor requiring an insurance book for the purpose of claiming unemployment benefit under Part II. of the National Insurance Act, 1911, within seven days after application made by him.

(4) (i.) Where a contributor being a member of a Society is transferred from one Society to another Society, he shall surrender his insurance book to the Society to which he is transferred, and that Society shall cause to be entered in a new insurance book such particulars as the Commissioners may from time to time require, and shall issue to him that book, and shall transmit to the Society from which he is transferred the insurance book so surrendered ;

(ii.) Where a contributor ceases to be a member of a Society otherwise than by transfer to another Society, he shall surrender his insurance book to the Society.

(5) Where during the currency of an insurance book a deposit contributor becomes a member of a Society, he shall surrender his insurance book to the Society of which he becomes a member, and that Society shall forward the book to the Commissioners.

35. No person shall assign or charge or agree to assign or charge any card or insurance book, and any sale, transfer, or

assignment of, or any charge on, any card or insurance book shall be void and of no effect.

36. (1) Upon the death of any insured or exempt person, any person having possession or thereafter obtaining possession of his card or insurance book shall, as soon as may be, deliver the same to the Society of which the deceased person was a member at the date of his death, or, if it cannot be delivered to the Society or if he was not a member of a Society, to the Commissioners.

(2) Any person having in his possession the card or insurance book of an insured or exempt person shall produce it at any reasonable time when required so to do by any officer appointed under the Act, or duly authorised to act in the execution of the Act.

(3) Any employer who is unable to return the card or insurance book of any insured or exempt person to him on the termination of the employment shall return the card or book forthwith to the Commissioners.

37. (1) All cards for the purposes of the Act and these Regulations shall be in the forms set out in the Fifth Schedule to these Regulations, or in such forms substantially to the like effect as may from time to time be approved by the Commissioners, and all cards and insurance books shall be supplied by the Commissioners and shall be issued to contributors without charge.

(2) The forms set out in the Second Schedule to these Regulations or forms substantially to the like effect supplied by the Commissioners shall be used in all cases to which those forms are applicable.

(3) All directions appearing upon a card shall be deemed to be incorporated in these Regulations.

#### FIRST SCHEDULE

The National Health Insurance (Collection of Contributions) Regulations (England), 1913.

The National Health Insurance (Collection of Contributions Amendment) Regulations (England), 1913.

The National Health Insurance (Outworkers) Regulations (England), 1913.

The National Health Insurance (Outworkers) Amendment Regulations (England), 1913.

The National Health Insurance ((Collection of Contributions) (Exempt Persons)) Regulations (England), 1913.

The National Health Insurance (Grouped Employers) Regulations (England), 1912.

The National Health Insurance (Intermediate Employers) Regulations (England), 1913.



## SECOND SCHEDULE

## FORMS

FORM No. 1

## NATIONAL HEALTH INSURANCE

## LOW WAGE DECLARATION

Declaration by an employed contributor, being a person of the age of 21 years or upwards, whose remuneration does not include the provision of board and lodging by the employer, upon surrendering his card in respect of every contribution paid on that card at any of the following rates :

In case of Men, 6d., or, when the employer is liable to pay wages during sickness, 4d.

In case of Women, 5d., or, when the employer is liable to pay wages during sickness, 3½d.

I (a) \_\_\_\_\_

of (b) \_\_\_\_\_

hereby declare that the employers named herein have paid contributions in respect of me at one of the rates above shown for the weeks opposite their names, and that my rate of remuneration for those weeks, except where otherwise stated, did not exceed 2s. a working day, and that I was 21 years of age or over when the first of those contributions was paid.

Signature \_\_\_\_\_

Address { \_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ 191 \_\_\_\_\_

Week.	Employer (Firm, &c.).	Address of Employer.	Insert in this column "over 2s." in respect of any week in which the rate of remunera- tion exceeded 2s. a working day.
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Name of Society \_\_\_\_\_

Approval No. \_\_\_\_\_

Name of Branch \_\_\_\_\_

Branch No. \_\_\_\_\_

Contributor's Number \_\_\_\_\_

These particulars  
to be inserted by  
Society.

A rubber stamp  
may be used.

[Form No. 2, giving the Form of Exemption Book, is omitted.]



## THIRD SCHEDULE

## PART I

## NATIONAL HEALTH INSURANCE

FORM OF NOTICE BY EMPLOYER THAT HE PROPOSES TO ADOPT THE  
METHOD OF PAYING CONTRIBUTIONS IN RESPECT OF OUTWORKERS  
BY REFERENCE TO THE AMOUNT OF WORK DONE, *i.e.* THE  
" UNIT " METHOD

To the INSURANCE COMMISSIONERS.

I hereby give notice that I desire to adopt the method of paying  
contributions by reference to work done, *i.e.* the " Unit " Method  
\*[in respect of all outworkers, to whom the method is applicable,  
employed by me in the following class or classes of work

\* [or in respect of certain outworkers employed by me in the following  
class or classes of work

who are persons to whom the method is applicable, and have con-  
sented in writing to be insured on this method].

The number  
of A.O. Cards (*i.e.* cards for Males) wanted is  
of E.O. Cards (*i.e.* cards for Females) wanted is  
of X.O. Cards (*i.e.* cards for holders of Exemption  
Certificates) wanted is

Signature

Address

Date

\* *Strike out the words which are not applicable.*

## PART II

## NATIONAL HEALTH INSURANCE

## FORM OF CONSENT BY OUTWORKER

The undersigned, being outworkers employed by \_\_\_\_\_,  
agree that all contributions payable in respect of them under the  
National Insurance Act, 1911, by the said \_\_\_\_\_,  
shall be paid by reference to the work done instead of by reference  
to the weeks in which work is done.

Signatures  
and Addresses


Date

Date on which payment of con-  
tributions by reference to work done  
begins (to be filled in by employer).

## PART III

## NATIONAL HEALTH INSURANCE

## CLASSES OF WORK AND UNITS OF WORK APPLICABLE THERETO

<i>Classes of Work.</i>	<i>Unit of Work.</i>	
	Work in respect of which is paid :—	
	<i>s.</i>	<i>d.</i>
Hand-hammered chain making, up to and including $\frac{11}{8}$ in. (i.e. small sizes) . . . . .	10	0
Dollied or tommied chain making and hand-hammered chain making of $\frac{3}{8}$ in. diameter and over up to $\frac{17}{8}$ in. inclusive . . . . .	20	0
Machine-made lace and net finishing, including the finishing of the product of plain net machines . . . . .	11	0
The mending in brown of laces, nets, and curtains. For female workers . . . . .	11	0
The making of boxes or parts thereof made wholly or partially of paper, cardboard, chip, and similar material. For female workers . . . . .	12	0
For male workers . . . . .	24	0
Those branches of the ready-made and wholesale bespoke tailoring trade in Great Britain which are engaged in making garments to be worn by male persons : . . . . .		
For female workers . . . . .	13	0
For male workers . . . . .	24	0
Fives and racquet ball covering . . . . .	10	6
Glove making by machine : . . . . .		
For female workers . . . . .	13	0
The weaving of horse-hair cloths for tailors and dress-makers in hand looms : . . . . .		
For female workers . . . . .	12	6
For male workers . . . . .	16	0
Fringing knitted scarves, tasselling dress and hat girdles and button making (including braid button covering, but not silk and mohair thread button covering) in Leek and District : . . . . .		
For female workers . . . . .	13	6
Silk skeining in Leek and district . . . . .	12	6
The making of paper bags in the City of Bristol . . . . .	9	3
The making of paper bags in the administrative County of London . . . . .	11	6
Linking and seaming by machine in the manufacture of hosiery : . . . . .		
For female workers . . . . .	11	6
Chevening and marking for hosiery . . . . .	10	0

<i>Classes of Work.</i>	<i>Unit of Work.</i>	
	<u>Work in respect of</u>	
	<u>which is paid :—</u>	
	<i>s.</i>	<i>d.</i>
Net braiding in the City of Hull :		
For female workers . . . . .	10	0
Net braiding in the Borough of Great Grimsby :		
For female workers . . . . .	11	0
The snooding of fish hooks in the Borough of Great Grimsby :		
For female workers . . . . .	12	6
The trimming of felt hats in the Counties of Lancashire and Cheshire :		
For female workers . . . . .	12	6
The making of straw hats in the Counties of Bedford and Hertford . . . . .	12	6
Shirt making in the City of Manchester . . . . .	10	0
The carding of buttons . . . . .	7	6
The carding of hooks and eyes . . . . .	6	0
Outworkers employed in net making by employers carrying on business as net manufacturers in the County of Dorset . . . . .	6	0
Sewing lawn-tennis balls. . . . .	10	6
All other classes of work :		
For female workers . . . . .	8	9
For male workers . . . . .	15	0

PART IV

NATIONAL HEALTH INSURANCE

APPLICATION FOR AN AMENDED UNIT OF WORK FOR OUTWORKERS  
To the INSURANCE COMMISSIONERS.

I hereby claim that under the Regulations as to outworkers, the units of work set out below should be fixed for male outworkers  
female  
employed in the classes of work stated.

<i>Unit Claimed.</i>	<i>Class of Work.</i>
_____	_____
_____	_____
_____	_____
	<i>Signature</i> _____
	<i>Address</i> _____
<i>Date</i> _____	

## FOURTH SCHEDULE

*Employment.*

1. Employment in a coal mine within the meaning of the Coal Mines Act, 1911.

2. Employment in a metalliferous mine within the meaning of the Metalliferous Mines Regulation Acts, 1872 and 1875.

3. Employment in a quarry under the Quarries Act, 1894.

4. Employment in a factory or workshop within the meaning of the Factory and Workshop Act, 1901 (not being a tenement factory or workshop, or a factory or workshop within which an insured trade within the meaning of Part II. of the National Insurance Act, 1911, is carried on, or a quarry under the Quarries Act, 1894).

5. Employment in an insured trade within the meaning of Part II. of the National Insurance Act, 1911 (other than the trade of building or of the construction of works), where the immediate employer of the contributor himself works wholly or mainly by way of manual labour in or for the business of the principal employer.

6. Employment in the trade of building or of the construction of works (within the meaning of the Sixth Schedule to the National Insurance Act, 1911) where the immediate employer of the contributor himself works wholly or mainly by way of manual labour in or for the business of the principal employer and where the principal employer has a right to the exclusive services of the immediate employer of the contributor.

7. Employment in a tenement factory or workshop within the meaning of the Factory and Workshop Act, 1901, where the owner of the factory or workshop has a right to the exclusive services of the immediate employer of the contributor.

*Principal Employer.*

1. The owner of the mine within the meaning of the said Act.

2. The owner of the mine within the meaning of the said Acts.

3. The owner of the quarry for the purposes of the said Act.

4. The occupier of the factory or workshop.

5. The person in whose business or for the purposes of whose business the contributor is employed.

6. The person in whose business or for the purposes of whose business the contributor is employed.

7. The owner of the factory or workshop.

[The Fifth Schedule, giving the Forms of Contribution Cards, is omitted.]

**(b) THE NATIONAL HEALTH INSURANCE (NORMAL RATE OF REMUNERATION) ORDER, 1914**

1. The persons employed as outworkers by any employer in the classes of work specified in the Schedule to this Order, or, where a class of work in a particular locality is specified, the persons employed in that class of work as outworkers by an employer giving out work in that locality, shall, for the purposes of the principal Act, be treated as if they were constantly in receipt of a rate of remuneration within the several limits set out in the said Schedule, opposite to the classes of work to which they respectively refer.

2. (1) This Order may be cited as the National Health Insurance (Normal Rate of Remuneration) Order, 1914.

(2) This Order shall not extend to Scotland or Ireland.

*Schedule*

	<i>Class of Work.</i>	<i>Limits of Rate of Remuneration per Working Day.</i>
By outworkers of either sex.	<ul style="list-style-type: none"> <li>Carding of buttons.</li> <li>Carding of hooks and eyes.</li> <li>Net making given out by employers carrying on business as net manufacturers in the County of Dorset.</li> </ul>	Not exceeding 1s. 6d.
By outworkers of either sex.	<ul style="list-style-type: none"> <li>Hand-hammered chain making, up to and including <math>\frac{1}{4}</math> in. (i.e. small sizes).</li> <li>Machine-made lace and net finishing including the finishing of the product of plain net machines.</li> <li>The mending in brown of laces, nets, and curtains.</li> <li>Fives and racquet ball covering.</li> <li>Sewing lawn tennis balls.</li> <li>Chevening and marking for hosiery.</li> <li>The making of paper bags either (a) in the Administrative County of London, or (b) in the City of Bristol.</li> <li>Shirt making in the City of Manchester.</li> </ul>	Exceeding 1s. 6d., but not exceeding 2s.
By female outworkers.	<ul style="list-style-type: none"> <li>The making of boxes or parts thereof made wholly or partially of paper, cardboard, chip, and similar material.</li> <li>Linking and seaming by machine in the manufacture of hosiery.</li> <li>Net braiding either (a) in the City of Hull, or (b) in the Borough of Great Grimsby.</li> </ul>	

*Limits of Rate of  
Remuneration per  
Working Day.*

	<i>Class of Work.</i>	
By outworkers of either sex.	The making of straw hats in the Counties of Bedford and Hert- ford. The snooding of fish hooks in the Borough of Great Grimsby. Silk skeining in Leek and district. Work done in those branches of the ready-made and wholesale bespoke tailoring trade which are engaged in making garments to be worn by male persons. Glovemaking by machine.	
By female out- workers.	The weaving of horse-hair cloths in hand looms for tailors and dress- makers. Fringing knitted scarves, tasselling dress and hat girdles and button making (including braid button covering, but not silk and mohair thread button covering) in Leek and district. Trimming of felt hats in the Counties of Lancashire and Cheshire.	Exceeding 2s., but not exceeding 2s. 6d.

**(c) THE NATIONAL HEALTH INSURANCE (NORMAL RATE OF  
REMUNERATION) ORDER (No. 3), 1914**

1. The persons employed, otherwise than as outworkers, by any employer in the classes of work specified in the Schedule to this Order shall, for the purposes of the principal Act, be treated as if they were constantly in receipt of a rate of remuneration within the several limits set out in the said Schedule, opposite to the classes of work to which they respectively refer.

2. (1) This Order may be cited as the National Health Insurance (Normal Rate of Remuneration) Order (No. 3), 1914.

(2) This Order shall not extend to Scotland, Ireland, or Wales.

[SCHEDULE

*Schedule*

<i>Class of Work.</i>		<i>Limits of Rate of Remuneration per Working Day.</i>
By persons of either sex.	Hand-hammered chain making up to and including $\frac{1}{4}$ in. (i.e. small sizes).	Exceeding 1s. 6d. but not exceeding 2s.
By persons of either sex.	Machine-made lace and net finishing including the finishing of the product of plain net machines.	
By women.	The making of boxes or parts thereof made wholly or partially of paper, cardboard, chip, or similar material.	Exceeding 2s., but not exceeding 2s. 6d.
	Work done in those branches of the ready-made and wholesale bespoke tailoring trade which are engaged in making garments worn by male persons.	

**(d) THE NATIONAL HEALTH INSURANCE (ARREARS)  
REGULATIONS (No. 2), 1914**

**PART I. GENERAL**

1. These Regulations may be cited as the National Health Insurance (Arrears) Regulations (No. 2), 1914, and shall come into operation on the 6th day of July 1914.

2. (1) In these Regulations, unless the context otherwise requires, the following expressions have the respective meanings hereby assigned to them :

“ The principal Act ” means the National Insurance Act, 1911 ;

“ The amending Act ” means the National Insurance Act, 1913 ;

“ The Joint Committee ” means the National Health Insurance Joint Committee ;

“ The Commissioners ” means the Insurance Commissioners or the Scottish, Irish, or Welsh Insurance Commissioners, as the case may require, or where, by virtue of the National Insurance (Joint Committee) Regulations, 1912 and 1913, any power is exercisable by the Joint Committee or by the Joint Committee acting jointly with any of the above-mentioned bodies of Commissioners, means the Joint Committee, or the Joint Committee acting jointly with any of those bodies of Commissioners, as the case may require ;

“ Society ” means an Approved Society, and includes a

branch of an Approved Society, and the Navy and Army Insurance Fund ;

“ Half-year ” means any period in respect of which contribution cards may be issued under any Regulations relating to the collection of contributions made under the principal Act and for the time being in force, and the expression “ contribution year ” means any period comprising two half-years and commencing in June or July, as the case may be, and includes the period from the end of the first twelve months after the commencement of the principal Act to the 6th day of July 1914.

(2) The Interpretation Act, 1889, applies to the interpretation of these Regulations as it applies to the interpretation of an Act of Parliament.

## PART II. ARREARS OF EMPLOYED CONTRIBUTORS

3. The provisions of this part of these Regulations relate to employed contributors only, and any reference therein to members of Societies shall be deemed to be a reference to members of Societies who are employed contributors.

4. A member of a Society shall be entitled to pay up any arrears which accrue in respect of him during any contribution year at any time within that year or within a period (in these Regulations referred to as the “ period of grace ”) of thirteen weeks after the end of the contribution year :

Provided that in the case of outworkers in respect of whom contributions are paid by reference to work done, this Article shall apply, subject to the provisions relating to the payment of arrears by such outworkers contained in any Regulations relating to the collection of contributions made under the principal Act, and for the time being in force.

5. (1) At the end of the first contribution year there shall be credited to each member of a Society the number of weekly contributions (in these Regulations referred to as “ reserve contributions ”) specified in the First Schedule to these Regulations.

(2) At the end of each subsequent contribution year there shall be credited to each member of a Society three reserve contributions, if he has been a member of a Society during the whole of that year, two, if he became a member in the first half-year of that year, and one, if he became a member in the second half-year of that year.

6. As soon as may be after the end of each contribution year, every Society shall ascertain the balance of reserve contributions or arrears, as the case may be, standing to the credit or debit of the arrears account of each member at the end of that year (a



balance of reserve contributions being referred to in these Regulations as a "reserve balance" and a balance of arrears as "penalty arrears") in the following manner :

- (a) At the end of the first contribution year the number of arrears, if any, which have accrued in the course of that year and have not been paid up, shall be set off against the number of reserve contributions, if any, credited to the member, and the resulting number shall be the reserve balance or penalty arrears, as the case may be.
- (b) At the end of each subsequent contribution year the number of arrears, if any, which have accrued in the course of that year and have not been paid up, shall be set off against the sum of any reserve contributions, credited to the member in that year, and any reserve balance carried forward to the credit of the member from the preceding contribution year, and the resulting number shall be the reserve balance or penalty arrears, as the case may be.
- (c) In the ascertainment of any arrears no account shall be taken of any arrears accruing during any of the periods mentioned in Subsection (4) of Section 10 of the principal Act.

7. (1) Where a member has, during the period of grace, paid to the Society any arrears which have accrued during the preceding contribution year, the arrears so paid shall be deducted from the penalty arrears, the resulting number being in these Regulations referred to as "net penalty arrears."

(2) If the arrears so paid as aforesaid exceed the penalty arrears, the excess of the arrears so paid, or if no penalty arrears are outstanding the number of arrears so paid, shall be added to, or carried forward, as the reserve balance, as the case may be.

(3) Where a member has not paid any arrears during the period of grace, any penalty arrears debited to him shall at the end of that period be deemed to be net penalty arrears.

(4) Any arrears paid within the period of grace shall, so far as may be necessary, be applied in discharging any arrears which have accrued in respect of the previous contribution year, and the balance, if any, shall be set off against any arrears which have accrued in the current contribution year.

8. (1) The period within which the reduction or suspension of benefits shall take effect (in these Regulations referred to as the "penalty year") shall be a period from the first Monday in November in any year to the Sunday immediately before the first Monday in November in the succeeding year, both days inclusive :

Provided that—

- (i.) If a Society makes application for that purpose to the Commissioners, the Commissioners may authorise the Society to fix for the commencement of the penalty year such other day or days in the first week in November as the Society thinks fit ; and
- (ii.) If a Society shows to the satisfaction of the Commissioners that it has not been the practice of the Society to pay sickness benefit to members generally on one or more fixed days in the week, the Commissioners may, if they think fit, authorise the Society to adopt such procedure as will secure that, where sickness or disablement benefit is payable to a member in respect of any period (not being longer than a week) which falls partly in the period preceding the first penalty year and partly in that year or partly in one penalty year and partly in another, the whole of the period in respect of which the benefit is paid shall, for the purpose of calculating the rate of benefit payable, be treated as falling within the period preceding the first penalty year, or within the earlier of the two penalty years, as the case may be.

(2) If a member of a Society is debited under the provisions of the last preceding Article with any net penalty arrears, the benefits payable to him in the succeeding penalty year shall be reduced or suspended in the following manner :

- (a) If the number of net penalty arrears does not exceed sixteen, the weekly rate of any sickness or disablement benefit payable to him during the first six weeks, in respect of which benefit is payable, shall be reduced by the sum of sevenpence in the case of a man and sixpence in the case of a woman for each net penalty arrear with which the member is debited, so, however, that the rate of benefit shall in no case be less than two shillings a week in the case of a man and one shilling and sixpence in the case of a woman.
- (b) If the number of net penalty arrears exceeds sixteen but does not exceed twenty, the member shall be suspended from sickness and disablement benefits during the first six weeks in respect of which benefit would otherwise have been payable.
- (c) If the number of net penalty arrears exceeds twenty but does not exceed twenty-six, the member shall be suspended from sickness and disablement benefits during the penalty year.

(d) If the number of net penalty arrears exceeds twenty-six, the member shall be suspended from all the benefits during the penalty year.

(3) For the purpose of ascertaining the amount of sickness or disablement benefit to be paid in respect of any period less than one week, the weekly rate of benefit reduced in accordance with the foregoing provisions of this Article shall be divided by the total number of days in the week in respect of which a week's benefit is ordinarily payable by the Society, and the amount so obtained shall be multiplied by the number of days in respect of which the benefit is to be paid, any resulting fraction of one penny being treated as a penny.

(4) For the purpose of calculating whether the rate of benefit is less than two shillings in the case of a man and one shilling and sixpence in the case of a woman, any weekly sum or the weekly value of any lump sum received or recovered as compensation or damages in respect of the disease or disablement shall be taken into account as though it were a payment on account of sickness or disablement benefit, as the case may be.

(5) In the application of this Article to Ireland "fivepence" and "fourpence" shall be substituted for "sevenpence" and "sixpence," and in reference to the numbers of net penalty arrears, "eighteen" and "twenty-two" shall be substituted for "sixteen" and "twenty."

9. Every Society shall within six weeks after the end of each contribution year, send or deliver to every member of the Society against whom penalty arrears are debited, a notice containing such particulars as the Commissioners may approve of the number of his arrears and the effect of the non-payment thereof, but no member shall be entitled by reason of the failure of the Society to send or deliver any such notice as aforesaid within the above-mentioned time, or by reason of any errors therein, to any extension of the period within which arrears may be paid or to any benefit other than that to which he would otherwise have been entitled.

10. Where the number of net penalty arrears debited to a member in respect of any contribution year exceeds twenty-six but is less than thirty-nine, additional reserve contributions equal to the difference between the number of those net penalty arrears and thirty-nine shall be credited to him at the next date on which arrears are ascertained.

11. If at the commencement of a penalty year a member of a Society has by reason of arrears been suspended from sickness and disablement benefits for the two last preceding penalty years, and by reason of arrears is required to be suspended from those benefits for a further penalty year, he shall cease to be entitled

to any benefits under the principal Act, and the amount, if any, by which his transfer value exceeds such part of his reserve value if any, as is still outstanding, shall be carried to a separate account in the books of the Society of which he is a member.

12. If a member of a Society has by reason of arrears ceased to be entitled to any benefits, but continues to be an employed contributor, he shall, after the lapse of twenty-six weeks from the date on which he was first employed after he ceased to be entitled to any benefits as aforesaid and the payment of twenty-six contributions in the case of medical, sanatorium, sickness, and maternity benefits, and after the lapse of one hundred and four weeks from the like date and the payment of one hundred and four contributions in the case of disablement benefit, become entitled to those benefits at such rates as would have been applicable to him if he had been entering into insurance for the first time, subject to such increase as the Commissioners, having regard to his age at the time when he so becomes entitled to benefits and to the amount previously transferred to the separate account as aforesaid in respect of him, may determine, and the amount so transferred shall be retransferred to the appropriate benefit funds of the Society :

Provided that—

- (i.) Notwithstanding anything contained in these Regulations, he shall not, upon again becoming entitled to benefits, be entitled to a higher rate of benefit than that to which he would have been entitled, if he had not ceased to be entitled to any benefits under the provisions of the preceding Article ; and
- (ii.) In the case of a woman who was married at the commencement of the principal Act the provisions of this Article shall apply as if she had not been married at that date.

[Part III., as to Arrears of Voluntary Contributors, is omitted.]

[Part IV., consisting of Provisions relating to Employed Contributors becoming Voluntary Contributors and to Special Classes of Contributors, is omitted.]

29. The National Health Insurance (Voluntary Contributors' Arrears) Regulations, 1913, the National Health Insurance (Arrears) Regulations, 1914, and the National Health Insurance (Arrears) Amendment Regulations, 1914, are hereby revoked as from the 6th day of July 1914, but such revocation shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any of those Regulations.

## FIRST SCHEDULE

*Number of Reserve Contributions to be credited to  
Employed Contributors*

	Number of Contributions.
In the case of a person who entered into insurance not later than the 21st day of July 1912 . . . . .	6
In the case of a person who entered into insurance after the 21st day of July 1912, but not later than the 12th day of January 1913 . . . . .	5
In the case of a person who entered into insurance after the 12th day of January 1913, but not later than the 13th day of July 1913 . . . . .	4
In the case of a person who entered into insurance after the 13th day of July 1913, but not later than the 11th day of January 1914 . . . . .	2
In the case of a person who entered into insurance after the 11th day of January 1914, but not later than the 5th day of July 1914 . . . . .	1

## SECOND SCHEDULE

*Method of Calculating Net Credit and Net Debit*

(1) There shall be credited to the account of the contributor any reserve balance carried forward from the preceding contribution year, and one reserve contribution if the date of ascertainment is in the first half-year of the contribution year, or two, if in the second half-year.

(2) There shall be debited to his account any arrears which have accrued in respect of him between the commencement of the current contribution year and the date of ascertainment, and have not been paid up.

(3) In addition to the numbers, if any, so debited or credited,

(a) If the date of ascertainment falls during the period of grace, there shall be debited to his account any penalty arrears which were debited to him in respect of the preceding contribution year and have not been paid up since the end of that year; and

(b) If the date of ascertainment falls between the end of the period of grace and the commencement of the next succeeding penalty year, there shall be debited to his account any net penalty arrears debited to him in respect of the preceding contribution year.

(4) If any net penalty arrears were debited to the contributor in respect of the contribution year preceding the commencement of the penalty year then current, his account shall be further debited with a number bearing the same proportion to the number of the net penalty arrears, as the period between the date of ascertainment and the commencement of the next penalty year bears to fifty-two weeks, and for the purpose of ascertaining such proportion the said

period shall be calculated in periods of thirteen weeks, any fraction of thirteen weeks more than six weeks being counted as thirteen weeks, and six weeks or less being disregarded :

Provided that if in the case of a contributor whose net penalty arrears do not exceed twenty (or, in the application of this Article to Ireland, twenty-two) the penalty has at the date of ascertainment been discharged by the reduction or suspension of benefits for a period of six weeks, no such further debit shall be made to his account.

(5) The several numbers, fractions being disregarded, so credited or debited shall be set off against each other, and the resulting credit or debit shall be deemed to be the balance of contributions or arrears standing to the credit or debit of the account.

(e) THE NATIONAL HEALTH INSURANCE (SPECIAL CUSTOMS)  
CONSOLIDATED ORDER, 1914

1. The employments set forth in the First Schedule to this Order are specified as being classes of employment in which a custom or practice prevails according to which the persons employed receive full remuneration during periods of disease or disablement, or some part thereof.

2. The employments set forth in the first column of the Second Schedule to this Order are specified as being classes of employment in which a custom or practice prevails in the localities specified in the second column of that Schedule according to which the persons employed receive full remuneration during periods of disease or disablement or some part thereof.

3. For the purpose of adapting the other provisions of Part I. of the Act to cases under Section 47 of the Act, the provisions set out in the Third Schedule to this Order shall have effect.

4. The Orders set out in the Fourth Schedule to this Order are hereby revoked, so far as they relate to employment in England, but such revocation shall not affect any right, privilege, obligation, or liability acquired, accrued, or incurred under any of those Orders.

5. This Order may be cited as the National Health Insurance (Special Customs) Consolidated Order, 1914.

SCHEDULES

*First Schedule*

Employment by way of manual labour by or under any of the following bodies, namely :—

- A council of a county.
- A council of a borough (including a metropolitan borough).
- A council of an urban district.
- A council of a rural district.
- A poor law authority.

If by the terms of the employment the person employed is entitled to not less than one week's notice of the termination of his employment.

- A visiting committee constituted under the Lunacy Act, 1890.
- A joint board constituted under the Public Health Acts, 1875 to 1908.
- A joint Committee appointed under Section 57 of the Local Government Act, 1894.
- A combination of two or more local authorities combining in providing a common hospital under Section 131 of the Public Health Act, 1875, or combining together for the purpose mentioned in Section 285 of that Act.
- A hospital committee constituted under the Isolation Hospital Acts.
- An education committee established under the Education Acts, 1870 to 1909.
- Employment by way of manual labour in an institution certified under the Children Act, 1908, or the Inebriates Act, 1898, or the Elementary Education (Blind and Deaf Children) Act, 1893, or the Elementary Education (Defective and Epileptic Children) Act, 1899.
- Employment otherwise than by way of manual labour by or under such body or in any such institution as aforesaid.
- Employment otherwise than by way of manual labour as a foreman, manager, or assistant manager.
- Employment as a clerk.
- Employment as a shop assistant.
- Employment as a warehouseman.
- Employment as a resident tutor or governess.
- Employment as a journalist.
- Employment as a press telegraphist.
- Employment as a teacher.
- Employment as a teacher or worker for religious or philanthropic purposes.
- Employment as a commercial traveller whose remuneration is wholly or mainly by way of salary or wages.
- Employment as a domestic servant.
- Employment as a porter, messenger, commissionaire or watchman in a club, hotel, office, shop or other place in which a trade or business is carried on.
- Employment as usher or messenger of a County Court.
- Employment by or under a Co-operative Society.
- Employment as a bailiff appointed to assist the High Bailiff of a County Court.

If by the terms of the employment the person employed is entitled to not less than one week's notice of the termination of his employment.

#### *Note*

For the purposes of this Schedule—

- (a) The expression "warehouseman" shall be deemed to include a porter or packer employed in a warehouse, and the expression



- “ domestic servant ” shall be deemed to include a menial servant employed in whole-time service in or about a private residence.
- (b) Employment by or under any one of the bodies (including a combination of local authorities) specified in this Schedule shall be deemed to be a separate employment and shall not include employment by or under any other body (including a combination of local authorities) or in any institution specified in this Schedule.

### *Second Schedule*

<i>Class of Employment.</i>	<i>Locality.</i>
1. Employment as any kind of farm servant under a contract of not less than six months' duration (male persons only).	1. Northumberland. Durham. Yorks, North Riding (North and North-Eastern parts).
2. Employment as a farm servant (male persons only) in charge of animals, if by the terms of the employment the person employed is entitled to not less than one week's notice of the termination of his employment.	2. Berks. Cambridgeshire (North). Dorset (East and South). Gloucestershire. Hampshire. Kent. Lincolnshire. Nottinghamshire. Oxfordshire. Rutlandshire. Warwickshire. Wiltshire. Worcestershire. Yorks, East Riding.
3. Employment as a farm servant (male unmarried persons only), if by the terms of the employment the person employed is entitled to not less than one week's notice of the termination of his employment.	3. Cumberland. Parts of Lancashire, viz. the hundreds of North and South Lonsdale, Amounderness, Leyland, and Blackburn. Westmorland. Yorks, West Riding.
4. Employment as a farm servant under a contract of not less than six months' duration where the terms of service include board and lodging in the farmhouse (male unmarried persons only).	4. Cheshire. Derbyshire. Hereford (West). Shropshire. Staffordshire.

### *Third Schedule*

(1) Where a scheme is made under Section 37 of the Act or under Section 38 of the Act, the provision made by the scheme with respect to persons to whom Section 47 applies may be different from the provision made with respect to other insured persons.

(2) Every person on entering any employment in which he will be a person to whom Section 47 applies shall, whether he was or was not previously such a person, give notice of the fact, if he is a member of an Approved Society, to the Society, and, if he is not a member



of an Approved Society, to the Insurance Committee, and every such notice must state whether the person giving the notice is engaged for a term of six months certain or not.

(3) The employer of any person to whom Section 47 applies and who has been suffering from disease or disablement shall, on the demand of that person, and also, if that person is a member of an Approved Society, on the demand of his Society, or, if that person is not a member of an Approved Society, on the demand of the Insurance Committee, deliver to him, or to the Society or Insurance Committee, as the case may be, particulars in writing of the date on which the disease or disablement commenced and terminated, together with a statement whether the employed person did or did not perform any work during the whole or any part of the period of the disease or disablement.

#### *Fourth Schedule*

The National Health Insurance (Special Customs) Order, 1912 (No. 1).

The National Health Insurance (Special Customs) Order, 1912 (No. 2).

The National Health Insurance (Special Customs) Order, 1912 (No. 5).

The National Health Insurance (Special Customs) Order, 1913 (No. 2).

## APPENDIX XIII

### (CHAPTER XIX.)

#### UNEMPLOYMENT INSURANCE

**(a) REPAYMENT OF CONTRIBUTIONS UNDER THE NATIONAL INSURANCE ACT, 1911 (PART II.), AND THE NATIONAL INSURANCE (PART II., AMENDMENT) ACT, 1914**

*Act of 1911, Section 95.*—(1) If it is shown to the satisfaction of the Board of Trade by any workman or his personal representatives that the workman has paid contributions in accordance with the provisions of this part of this Act in respect of five hundred weeks or upwards, and that the workman has reached the age of sixty, or before his death had reached the age of sixty, the workman or his representatives shall be entitled to be repaid the amount, if any, by which the total amount of such contributions have exceeded the total amount received by him out of the unemployment Fund under this Act, together with compound interest at the rate of  $2\frac{1}{2}$  per cent per annum calculated in the prescribed manner.

(2) A repayment to a workman under this section shall not affect his liability to pay contributions under this part of this Act, and, if after any such repayment he becomes entitled to unemployment benefit, he shall be treated as having paid in respect of the period for which the repayment has been made the full number of contributions which is most nearly equal to five-eighths of the number of contributions actually paid during that period.

*Act of 1914, Section 6.*—(1) At the end of Subsection (1) of Section 95 of the principal Act the following proviso shall be added :

“ Provided that if at the time when contributions first became payable in respect of any workman under this part of this Act he was over the age of 55, the number of weeks in respect of which contributions are required to be paid by him in order to entitle him or his representatives to such repayments as aforesaid

shall be reduced by fifty weeks for every year or part of a year by which his age at that time exceeded fifty-five."

(2) At the end of the same section the following subsection shall be added :

" (3) Where a workman has received a repayment under this section, and has paid further contributions under this part of this Act, he shall be entitled to a further repayment in accordance with the section if the number of such further contributions exceeds one hundred, and in the case of his death his representatives shall be entitled to such further repayments whatever may be the number of such further contributions."

(b) THE UNEMPLOYMENT INSURANCE REGULATIONS, 1912, AS AMENDED BY THE SUPPLEMENTARY REGULATIONS, 1913, 1914, AND 1915 <sup>1</sup>

2. (1) In these Regulations, unless the context otherwise requires or admits—

The expression "the Act" means the National Insurance Act, 1911.

The expression "the Board" means the Board of Trade.

The expression "unemployment book" or "book" means any book or card issued in accordance with these Regulations to or upon which stamps are to be affixed or impressed for the purpose of the payment of contributions under Part II. of the Act.

The expression "unemployment insurance stamp" or "stamp" means a stamp to be affixed to or impressed upon an unemployment book for the purpose of payment of contributions under Part II. of the Act.

The expression "local office" means a labour exchange or other office appointed by the Board as a local office for the purposes of Part II. of the Act and of these Regulations.

The expression "day" means any period of twenty-four hours, but does not include any part of a day being a Sunday, except in relation to a workman who when in employment is employed on Sundays.

The expression "week" means any six consecutive days, whether separated by a Sunday or not, or, in relation to a workman who when in employment is employed on Sundays, any seven consecutive days.

<sup>1</sup> The author has consolidated these four sets of Regulations, and trusts that he has done so accurately, but warns his readers that no official consolidation has yet taken place, and that four separate sets of Regulations are, as a matter of fact, in operation at the present time.

The expression "termination of employment" means the lay on which the employment is actually terminated either by the employer dismissing the workman or by the workman leaving his work whether such termination is in accordance with the terms of the contract of service or not (1913).

The expression "insurance year" means the period commencing on the day next after the last day of the preceding insurance year and ending on the Saturday nearest to the 14th day of July in the following calendar year, and so on from year to year.

(2) Where under these Regulations the Board are empowered to give directions on any matter, the directions may be given either generally or as regards any special case or any special class or district.

(3) Any of the powers conferred on the Board under these Regulations may be exercised by, and anything required by these Regulations to be done to or before the Board may be done to or before such officer as the Board may appoint for the purpose.

(4) The Interpretation Act, 1889, applies for the purpose of the interpretation of these Regulations as it applies for the purpose of the interpretation of an Act of Parliament.

*Unemployment Insurance Books, Stamping, etc.*

3. (1) Every workman employed or about to be employed in an insured trade shall obtain from a local office, or in such other way as the Board may direct, an unemployment book.

(2) Every employer on engaging a workman for employment in an insured trade shall, as soon as may be after the date of the engagement, or in the case of a workman employed in an insured trade at the date of the commencement of Part II. of the Act, as soon as may be after that date, obtain from the workman a book then current, and it shall be the duty of the workman to deliver or cause to be delivered his book to the employer accordingly :

Provided that where at the time of engagement the workman's unemployment book is lodged at a local office, the employer shall be held to have complied with this Regulation so soon as he has obtained from the workman the receipt for such book duly issued by the local office, and has despatched it to that local office with a view to obtaining the book (1913).

(3) The employer on obtaining the book shall become responsible for the custody of the book so long as the employment continues, or till the book is returned to the workman or delivered to the local office in accordance with these Regulations.

(4) Whilst the employer is responsible for the custody of the book in accordance with these Regulations, he shall produce it for inspection at any reasonable time when required to do so by

an Inspector appointed for the purposes of Part II. of the Act (1914).

4. If any workman desires to inspect his book while it is in the custody of the employer, the employer shall, subject as hereinafter mentioned, give him a reasonable opportunity of so doing either within or immediately before or after working hours :

Provided that no workman shall be entitled by virtue of this provision to inspect his book more than once in any one month nor except at such time as may be fixed by the employer for the purpose.

5. (1) On the termination of the employment of any workman for any cause other than his death the employer shall forthwith return the book to the workman without any note or mark of any kind made in, affixed to, or impressed on it, other than any such mark as is required for the purpose of cancelling in accordance with these Regulations any stamp affixed to the book.

(2) The workman on the termination of his employment shall apply to the employer for the return of his book, and on the book being returned to him, shall give to the employer, if he demands it, a receipt for the book.

(3) An employer shall comply with any directions which may be given by the Board as to the return to a workman of his book at any other time than on the termination of his employment.

(4) Subject to any directions of the Board to the contrary, the workman to whom a book is returned under the foregoing provisions shall, if he is unemployed, forthwith deliver it to a local office, there to be retained till the workman again obtains employment in an insured trade.

(5) If for any reason the book is not returned to the workman in accordance with this Regulation on the termination of his employment, the employer shall, as soon as may be, deliver the book to a local office.

6. On the death of a workman the employer, if the book is then in the custody of the employer, or if the book is not then in the custody of the employer, the workman's representative whether legally so constituted or not, shall forthwith deliver the book to a local office.

7. (1) A book shall be issued without charge to a workman properly applying for a book, and when issued shall remain the property of the Board.

(2) A book shall be in such form as the Board direct, and shall be current only during such period, not exceeding fifty-three weeks from the date of the issue thereof, as may be specified thereon, and shall within seven days, or such longer time as the Board in any special case allow, after the date on which it ceases

to be current be returned by the workman, or by the employer on his behalf, to a local office, and a fresh book shall thereupon be issued without charge to the person so returning the book :

Provided that, where the book on the date on which it ceases to be current is in the custody of the employer, he shall, if the workman so requires, instead of returning it to a local office, return it to the workman to be by him returned to a local office.

(3) If a book is destroyed, is lost so as to be irrecoverable, or is defaced in any material particular, a new book may be issued in substitution for it at a charge of one shilling, to be paid by the person for the time being responsible for the custody of the original book, and such number of contributions as are shown to the satisfaction of the Board to have been paid by the affixing or impressing of stamps to or upon the book so destroyed, lost, or defaced, shall be credited to the workman on the new book.

Save as aforesaid, no charge shall be made by the Board in connexion with the issue, custody, delivery up, exchange, or replacement of any book.

(4) Where any book is lost the Board, if they think fit, may pay out of the unemployment fund any sum not exceeding one shilling by way of reward to the person by whom the book is returned to the local office, and may refuse to restore the book to the person responsible for its custody until that person has repaid to the Board any sum which has been so paid by the Board by way of reward and which he is liable to repay under Subsection (3) of Section 100 of the Act.

(5) If any person refuses or fails to pay any sum for the payment of which he is liable under this Regulation, the Board of Trade may, if they think fit, recover such sum by deduction from any benefit or other payment due or to become due to such person under Part II. of the National Insurance Act, 1911, or the Regulations made thereunder (1915).

8. (1) For the purpose of making the proper payments required to be made by an employer in respect of contributions under Part II. of the Act, the employer shall, on or before the first payment of wages to a workman, and on or before each subsequent payment of wages in respect of the employment, affix to the book stamps of such value as may be necessary to make the total value of all stamps so affixed equal to the following amounts :

(i.) In the case of a workman not below the age of eighteen—

For every period of employment in respect of which wages are payable—

If exceeding two days but not exceeding  
one week . . . . .

5d.

- |   |     |
|---|-----|
| Exceeding one day but not exceeding two |     |
| days . . . . .                          | 4d. |
| Not exceeding one day . . . . .         | 2d. |
- (ii.) In the case of a workman below the age of eighteen—  
 For every period of employment in respect of  
 which wages are payable not exceeding one  
 week . . . . . 2d.

Provided that—

- (a) On the termination of employment, whether or not any wages are then paid, stamps shall be affixed by the employer in respect of any part of the period of employment in respect of which stamps have not already been affixed ; and
- (b) Where the first payment of wages takes place before the completion of a week of employment but the employment is a continuing one, the employer may, at his option, either treat the period of employment in respect of which the first payment of wages is made as a separate period of employment or may affix stamps as for a full week of employment ; and
- (c) Where wages are paid to a workman at intervals shorter than a week, the employer shall not, after the first payment of wages (subject always to his obligation to affix stamps on the termination of employment), be required to affix stamps more frequently than at weekly intervals ; and
- (d) Where the employer employs any workman regularly, he may deposit with the Board a sum equal to the estimated amount of the contributions payable by him during a period of three months, or such less period as may be agreed between him and the Board, in respect of those workmen both on his own behalf and on behalf of those workmen.

On making such a deposit the obligation of the employer to stamp the books of those workmen on the occasions or at the intervals hereinbefore specified shall cease, and in lieu thereof he shall be liable as follows :

- (i.) In case the employment of any of those workmen terminates before the expiration of any period of three months or such less period as may be agreed, the employer shall be liable on such termination to stamp the book of the workman whose employment so terminates ; and
- (ii.) In the case of any workman whose employment does not so terminate, the employer shall be liable either to stamp the book of that workman at intervals of

three months or such less period as may be agreed, or if the Board so permit to pay the contributions payable in respect of that workman through the Board at intervals of three months or such less period as may be agreed in such manner as the Board may direct.

Where a deposit has been made under the foregoing provision, the employer, for the purpose of deducting from wages the amount of the workman's contribution, shall be deemed to have duly affixed the necessary stamps to the books of the workmen at the several dates on which he would have been bound to affix them if no such deposit had been made.

If the Board of Trade think fit, they may allow any sum which is to be deposited under the foregoing provision to be paid to them at weekly intervals during the period for which the deposit is to be made instead of being paid to them in one sum at the commencement of the period (1913).

(2) No stamp shall be affixed to or impressed upon a book otherwise than in respect of employment in an insured trade, and any stamp affixed or impressed otherwise than in respect of such employment shall not be deemed to be a payment of a contribution under Part II. of the Act.

(3) Every adhesive stamp affixed to a book by an employer shall be cancelled by him in the same manner in which stamps affixed to a book or card for the purpose of the payment of contributions under Part I. of the Act are required to be cancelled by any Regulations made under that Part of the Act and for the time being in force, or if for the time being there is no provision in force for the cancellation of stamps so affixed to a book or card under Part I. of the Act, then in such manner as the Board may direct.

(4) Where no wages are paid to a workman, but he receives, in respect of his service, board or lodging or any other remuneration, stamps of the value required by this Regulation shall be affixed on the termination of the employment, or, in the case of employment which lasts more than one week, on the last day of employment in each calendar week (1913).

9. The employer shall be entitled, notwithstanding the provisions of any Act or any contract to the contrary, to recover from the workman, by deductions from the workman's wages or from any other payment due from him to the workman, an amount equal to one-half of the value of any stamps which have been, or which by virtue of these Regulations are deemed to have been, affixed by him to the workman's book.



*Claims for Unemployment Benefit, Proof of Unemployment,  
and Payment of Benefit*

10. (1) Where a workman desires to obtain unemployment benefit, or to obtain any payment in respect of unemployment from an association of workmen with which an arrangement has been made under Section 105 of the Act, he shall—

- (a) Make an application or give notice, as the case requires, to the Board in the form set forth in the First Schedule to these Regulations, or in such other form as the Board may direct or may for good cause accept as sufficient in any special case ; and
- (b) Lodge his unemployment book at a local office ; and
- (c) If required, produce to the Board his insurance book as defined by the Regulations made under Part I. of the Act, or furnish such other evidence as the Board may require that he is not in receipt of sickness or disablement benefit or disablement allowance under that Part of the Act.

Provided that where in any special case the Board are satisfied that the workman is unable for good cause to produce his unemployment book, they may, if they think fit, dispense with the lodging of the book under this Regulation (1913).

(2) With the view of obtaining information from employers on the subject of disqualifications for unemployment benefit referred to in Section 87 (1) and (2) of the Act, notice that the book has been lodged at the local office under this Regulation and calling attention to the provisions of Section 87 (1) and (2) shall, unless it is not practicable to do so, forthwith be given by the Board to the person appearing, from the particulars furnished by the workman, to be his last employer (1913).

(3) Where the workman desires to obtain payment from any such association as aforesaid, the local office shall deliver to him such a receipt for the book lodged by him as may be necessary to enable him to claim from the association any payment due to him from the association while unemployed.

11. (1) A workman desiring to obtain unemployment benefit shall attend at the local office at which his book is lodged on every working day between such hours as the Board may direct, and shall there, as evidence of being unemployed on that day, sign a register to be kept at the office for the purpose :

Provided that—

- (a) A workman residing at a distance of more than three miles, but not more than four miles, from the local office nearest or most convenient to his place of residence, shall be required to attend only on alternate

days, and on each attendance may sign the register in respect of the preceding day as well as in respect of the actual day of attendance ; and

- (b) A workman residing more than four miles from the local office nearest or most convenient to his place of residence shall attend at such longer intervals, or furnish such other evidence of being unemployed as the Board may direct, and on each attendance may sign the register in respect of all days on which he was unemployed since his last attendance as well as in respect of the actual day of attendance ; and
- (c) A workman may, for special cause approved by the Board in each case, and subject to such conditions as the Board may impose, be excused from personal attendance and signature of the register on any day on which he would otherwise have been liable to attend and sign the register.

(2) The Board may in any particular case require a workman, notwithstanding that he has duly signed the register in accordance with these Regulations, to furnish further evidence that he was unemployed on all or any of the days in respect of which he has signed the register.

(3) Subject to the provisions of these Regulations as to excuse from signing the register, a workman shall not be deemed to have been unemployed on any day in respect of which he has not signed the register in accordance with these Regulations.

12. Subject to the foregoing provisions and to any directions of the Board, unemployment benefit shall be paid at the local office at which the book of the workman concerned is lodged, and at weekly intervals on such day or days of the week, and at such hours as the Board may direct, and subject to any such directions the amount paid on any occasion shall be the amount of unemployment benefit due up to and including the day next but one preceding the day on which the payment is made.

13. Where a Court of Referees have recommended that a claim for unemployment benefit should be allowed and the recommendation has been referred by the insurance officer to the umpire, the workman shall be entitled to receive unemployment benefit as from the date of the recommendation until the claim is finally determined by the umpire, as if the insurance officer had not disagreed with the recommendation, and in accordance with Subsection 3 of Section 2 of the amending Act such benefit received by the workman shall, except as is hereinafter provided, be deemed to be duly paid, and shall not be recoverable from the workman :

Provided that where for the purpose of obtaining such benefit

the workman has made any false statement or representation or has concealed any material facts, he shall, without prejudice to any other liability under Section 101 of the Act or otherwise be liable to repay to the Unemployment Fund the amount of such benefit received by him whilst the statutory conditions were not fulfilled in his case or whilst he was disqualified for receiving unemployment benefit, and the amount of such benefit may, in accordance with Subsection 5 of Section 101 of the Act, be recovered as a debt due to the Crown (1914).

*Arrangements with Associations of Workmen under Section 105*

14. Every application by an Association of workmen for an arrangement under Section 105 of the Act shall be made in the form set forth in the Second Schedule to these Regulations or in such other form as the Board may direct, and shall be accompanied by a copy of the Rules of the Association.

15. The Board may at any time, by notice in writing to that effect, cancel as from the date of the notice or any later date specified in the notice, any arrangement made with an Association under Section 105 of the Act if, in their opinion, the Association ceases to comply with any of the conditions contained in the arrangement or in these Regulations, without prejudice, however, to any right of the Association to receive under Subsection (1) of that section a proper repayment in respect of any payments made to members of the Association before the date as from which the arrangement is cancelled.

16. It shall be a condition of every arrangement made with an Association under Section 105 of the Act that the Association—

- (i.) Shall have a system, which in the opinion of the Board is reasonably effective for the purpose, of notifying to their unemployed members opportunities for employment; and
- (ii.) Shall, so far as is necessary for the purpose of enabling the Board to determine the sum which ought to be repaid to the Association under Subsection (1) of Section 105 of the Act, allow the Board to inspect any books of account, vouchers, and other documents relating to the payment by the Association of benefits in respect of unemployment.

17. (1) As soon as may be after any members of the Association have lodged their books in accordance with these Regulations at a local office, with a view to claiming from the Association payment in respect of unemployment, the Board shall send to the Association a notice stating the names of those members, and the amount (if any) of unemployment benefit which in the

opinion of the Board each of those members is entitled to receive, and if in the case of any such member the Board are not satisfied that he would be entitled to receive any unemployment benefit under the Act, if he applied for it, the notice shall contain a statement to that effect :

Provided that the Board shall not be bound to send notice under this Regulation to the Association more often than once in any one week.

(2) The Association shall, from time to time, at such intervals as may be provided by the arrangement made with the Association, send to the Board a notice containing a statement of all payments made by the Association in respect of unemployment to any members of the Association being workmen in an insured trade, in respect of which it is proposed by the Association to claim repayment under Section 105 of the Act.

Every such statement shall be made up in such a manner as to show separately the payments made in each week of the period covered by the statement, and the payments made to each workman in each week.

(3) In the case of an Association with branches, the notice required under this Regulation to be sent to the Association shall, if the Association so require, be sent to a specified branch of the Association instead of to the Association, and the notice so required to be sent by the Association may, as respects the members belonging to any branch of the Association, be sent by that branch instead of by the Association.

18. (1) The first repayment by the Board under Subsection (1) of Section 105 of the Act to an Association with which an arrangement has been made shall be made on such date (not being less than one month from the date on which the arrangement comes into force) as may be specified in the arrangement, and subsequent repayments shall be made at intervals of three months or at such longer intervals as may be specified in the arrangement, or agreed upon between the Board of Trade and the Association.

(2) In determining for the purposes of Section 105 of the Act the aggregate amount which a workman would have received during any period by way of unemployment benefit, no payment shall be taken into account if made during—

- (a) any period during which the workman's book was not lodged at a local office, unless the lodging of the book was dispensed with in accordance with the proviso to Regulation 10 (1) ; or
- (b) any period in respect of which the workman has not furnished evidence that he was unemployed, either by signing a register in accordance with the arrangement,

or in such other manner as may be specified in the arrangement ; or

- (c) any other period during which the workman would not have been entitled to receive unemployment benefit if he had applied for it.

(3) If it is found that the amount of any such repayment is in excess of the amount which ought properly to have been repaid, the Board may (without prejudice to any other remedy) deduct the amount of the excess from any repayments to which the Association may be subsequently entitled.

19. If any question arises between the Board and an Association as to the amount of any repayment which ought to be, or which has been, made to the Association under Subsection (1) of Section 105 of the Act, the question shall, if either the Association or the Board so require, be referred to the umpire for determination.

Provided that if the question relates to the amount which a workman, being a member of the Association, would have received by way of unemployment benefit if no arrangement had been made with the Association under Section 105 of the Act, the question shall be determined by reference to an insurance officer, a Court of Referees, and the umpire, as the case may require, in like manner as if the workman had made a claim to unemployment benefit, and the provisions of the Act and the Amending Act and the Regulations made thereunder relating to the determination of claims to unemployment benefit shall apply accordingly, subject to the following modifications :

- (a) All rights conferred on the workman by the aforesaid provisions shall be vested in the Association, and may be exercised only by or on behalf of the Association ;

- (b) Regulation 13 of the Unemployment Insurance Regulations, 1912, shall not apply ;

- (c) The Board of Trade or the Association may in all cases require the recommendations of the Court of Referees to be referred to the umpire for determination (1913).

#### *Courts of Referees*

20. The following provisions shall have effect with respect to the constitution of the panels of persons to represent employers and workmen respectively required to be constituted by the Board under Subsection (2) of Section 90 of the Act :

- (i.) The number of the members of the panel shall be such as the Board think fit.

- (ii.) The members of the panel to represent the employers in a trade or group of trades in a district shall be appointed by the Board, and the Board, before making

the appointment, shall take into consideration the names of any persons suggested for appointment by or on behalf of any of those employers or any Associations of those employers who appear to the Board to be interested.

- (iii.) The members of the panel to represent the workmen in a trade or group of trades in a district shall be elected by those workmen.

The election shall be by ballot and shall be conducted by the Board, and, in the case of the election of the first panel, no workman shall be entitled to vote at the election except at the Local Office at which his unemployment book was issued, and unless he satisfies the Board that he has worked at the insured trade for more than twelve months before the commencement of the Act and is accordingly entitled to be credited with additional contributions under the Seventh Schedule to the Act, and, in the case of the election of any subsequent panel, no workman shall be entitled to vote at the election unless he satisfies the Board that he has paid at least thirty contributions under the Act.

- (iv.) The term of office of the members of a panel shall in the case of the first panels constituted under the Act be such term, not being less than one year or more than three years, as the Board may direct, and in the case of panels subsequently constituted be three years.

- (v.) Casual vacancies on a panel representing either employers or workmen may be filled by the Board, and any person appointed to fill a vacancy shall hold office until the expiration of the period during which the person in whose place he is appointed would have held office :

Provided that the Board shall not be bound to fill any casual vacancy unless they think fit so to do, and a panel shall not be deemed to be improperly constituted by reason only that a casual vacancy on the panel has not been filled.

21. (1) A Court of Referees shall consist of the Chairman of the Court and of one person drawn from the employers' panel, and one person drawn from the workmen's panel and duly summoned to serve on the Court.

Provided that any claim or question which is reported or referred to a Court of Referees may be proceeded with in the absence of any member or members of that Court other than the Chairman, but only if the claimant or person or Association

in whose case the question arises consents, and in such case the Court shall be deemed to be properly constituted, and the Chairman shall, if the number of the members of the Court is an even number, have a second or casting vote (1914).

(2) Each member of a panel shall, so far as practicable, be summoned to serve in turn upon a Court of Referees from a rota prepared in advance.

If the Court has more than one place of meeting a separate rota for service at each place of meeting shall be prepared where the Board of Trade so direct (1915).

(3) The Chairman of a Court of Referees shall be appointed by the Board, and no person who is either an employer or a workman in the trade or group of trades represented on the panels from which the other members of the Court are drawn shall be qualified for appointment as Chairman.

(4) The decision of a majority of a Court of Referees shall be the decision of the Court, but any member dissenting from any decision of the Court may record his dissent and the reasons therefor, and a statement that the member so dissented and of the reasons recorded by him for so dissenting shall be transmitted to the insurance officer with the recommendation of the Court.

(5) Where a workman in any trade has required the insurance officer to report any matter to a Court of Referees, the Chairman of the Court may at any time before the matter has been taken into consideration by the Court, refer the matter for previous examination and report to two persons, who are persons resident in the neighbourhood in which the workman resides, and of whom one shall be drawn from the employers' panel and the other from the workmen's panel.

(6) Subject as aforesaid, the procedure of a Court of Referees (including the procedure for summoning the Court) shall be such as the Board may determine.

#### *References to Referees under Section 90 (4)*

22. (1) The Board may, if they think fit, under Subsection (4) of Section 90 of the Act, refer any such question as is mentioned in that subsection for consideration and advice to the persons who constitute the panels representing employers and the panels representing workmen in any district, and the Board may do all things necessary for summoning a meeting of those persons for the purpose.

(2) The Chairman of the Court of Referees for the district shall, unless the Board otherwise direct, be chairman of the meeting.

(3) At the request of the majority of the persons representing either employers or workmen present at any meeting, voting on any particular question shall be so conducted that there shall be



an equality of votes as between the persons representing employers and the persons representing workmen, notwithstanding the absence of any member of a panel, but, save as aforesaid, every question shall be decided by a majority of the persons present and voting on that question.

(4) On any question on which equality of voting power has been claimed under the preceding provision, the Chairman shall have no vote, but in case of the votes recorded being equal he shall make a report to that effect to the Board, and may also, if he thinks fit, state his own opinion on the merits of the question.

(5) Subject as aforesaid, the procedure of any meeting under this Regulation shall, subject to any directions of the Board, be determined by the meeting.

### *Miscellaneous Refunds and Repayments*

(Paragraphs 23-26 are now superseded by the Regulations given below as to Refunds to Employers and Short Time.)

27. (1) An Association which intends to claim under Section 106 of the Act a repayment of part of its expenditure on payments to persons whilst unemployed, shall give notice of that intention to the Board in the form set out in the Fourth Schedule to these Regulations, or in such other form as the Board may direct.

(2) Every such notice shall be accompanied by a copy of the Rules of the Association, and a full statement of the system adopted by the Association for—

(a) Requiring their unemployed members to furnish evidence of the fact that they are unemployed, either by signing a register or otherwise ; and

(b) Notifying to their unemployed members opportunities for employment.

(3) The Board, after taking into consideration the notice and the accompanying Rules and statement, shall notify to the Association whether, in the opinion of the Board, the Association satisfies the conditions required for a repayment under Section 106 of the Act.

28. (1) No repayment under Section 106 of the Act shall be made to any Association—

(a) In respect of payments made to any member otherwise than in respect of unemployment ;

(b) In respect of payments made to a member while unemployed by reason of being engaged in a trade dispute, or while sick or superannuated, or while temporarily suspended from employment for disciplinary reasons ;

(c) In respect of payments made to any member for the



purpose of providing him with tools or enabling him to travel to or in search of a situation.

(2) No such repayment shall be made to any Association unless the Association—

(a) Have a system, which in the opinion of the Board is reasonably effective for the purpose, of notifying to their unemployed members opportunities for employment ; and

(b) Allow the Board, so far as is necessary for the purpose of enabling the Board to determine the sum which ought to be repaid to the Association, to inspect any books of account, vouchers, and other documents relating to payments by the Association to unemployed members ; and

(c) Comply with the provisions of these Regulations relating to such a repayment.

29. Within three months of the end of every calendar year, or at such other times as may be agreed upon between the Board and the Association, the Association shall furnish a return to the Board showing in such form as the Board may require the payments made to the members of the Association in respect of which a repayment is claimed, and the Board shall, as soon as may be thereafter, make a repayment to the Association accordingly (1913).

30. If any question arises between the Board and an Association as to the amount of any repayment which ought to be made to the Association under Section 106 of the Act, the question shall, on the application of the Association, be referred to the umpire for determination.

31. (1) Any person who has paid contributions under the erroneous belief that he was a workman in an insured trade, or was the employer of such a workman, may make an application to the Board for a return of the contributions so paid by him, and the Board, if satisfied that the contributions in respect of which the application is made were paid by the applicant and that the person by or in respect of whom the contributions were paid was not a workman in an insured trade, shall pay to the applicant in accordance with his application a sum equal to the amount of the contributions paid, after deducting from that amount, where the application relates to contributions paid by a workman, the amount (if any) paid to that workman by way of unemployment benefit in respect of those contributions as being a workman in an insured trade.

(2) An application for the purpose of this Regulation shall be made in the form set out in the Fifth Schedule to these Regulations, or in such other form as the Board may direct.

*Arrangements with Employers with respect to Workmen  
engaged through Labour Exchanges*

32. Every arrangement made by the Board with an employer under Section 99 of the Act for the performance of any of the duties of the employer under Part II. of the Act shall provide that the employer shall deposit with the Board a sum sufficient to cover the estimated amount of the contributions payable by the employer during a period of three months or such less period as may be agreed between him and the Board, both on his own behalf and on behalf of the workmen in respect of whom the arrangement is made, and that the employer shall not, unless such a deposit is made, be entitled to make deductions under Subsection (3) of Section 85 of the Act from any wages or other payments due by him to any of those workmen.

33. Every workman shall have the same right of inspecting his book while it is in the custody of a Labour Exchange by virtue of an arrangement under Section 99 of the Act, as he would have had if the book had been in the custody of the employer, and the provisions of these Regulations relating to the right of a workman to inspect his book shall apply accordingly with the substitution of the Board for the employer.

34. Where a workman engaged through a Labour Exchange is employed by one or more employers with whom an arrangement under Section 99 of the Act has been made, each of those employers shall, unless the arrangement otherwise provides, be entitled under Subsection (3) of Section 85 of the Act to make the same deductions from any wages or other payments due by him to the workman as he would have been entitled to make if no such arrangement had been made, but where it is shown to the satisfaction of the Board that by reason of this provision the aggregate amount of the deductions made in the case of any workman is in excess of the amount which would have been deducted if he had during the period in respect of which the deductions were made been continuously employed under one employer, the workman shall be entitled on making application for the purpose to a local office at such times and intervals as the Board may fix to be repaid the amount of the excess :

Provided that no workman shall be entitled to any repayment under this Regulation in respect of any contributions which have already been taken into account for the purpose of determining the amount of unemployment benefit to which he may be entitled, or the amount which may be repayable under Section 105 to an Association in respect of that workman.

*Miscellaneous Provisions*

35. Where during any period a workman has been employed by one employer partly in an insured trade and partly not in an insured trade, and contributions have by arrangement between the employer and the workman been paid as if the whole employment of that workman were in an insured trade, those contributions shall be deemed to have been duly paid in respect of employment in an insured trade.

36. Where any workmen employed in an insured trade are employed in or for the purposes of the business of any person (in this Regulation referred to as the substantial employer) by some other person who himself works wholly or mainly by way of manual labour in that business (in this Regulation referred to as the immediate employer), the substantial employer shall, unless the Board direct to the contrary, be treated for the purposes of Part II. of the Act as the employer of those workmen instead of the immediate employer, and shall be liable accordingly to perform the duties and pay the contributions required under the Act or these Regulations to be performed and paid by the employer of a workman in an insured trade :

Provided that—

- (a) The substantial employer may deduct from any payments due from him to the immediate employer any sums paid by him as contributions on behalf of the workmen, and the immediate employer may deduct from the workmen's wages or from any other payments due from him to the workmen any sums deducted from payments due to him by the substantial employer ; and
- (b) Any direction given by the Board under this Regulation shall not come into force until the expiration of seven days from the date thereof or such later date as may be specified in the direction.

37. As respects workmen employed by or under the Crown, these Regulations are subject to any Order in Council that may hereafter be made under Subsection (3) of Section 107 of the Act.

*Note.*—The Schedules of Forms are omitted, as copies of any of the forms can be obtained at any Labour Exchange.

(c) THE UNEMPLOYMENT INSURANCE (UMPIRE)  
REGULATIONS, 1912

The Board of Trade, in pursuance of Section 91 of the National Insurance Act, 1911, hereby make the following Regulations :

1. (1) If any workman or the employer of any workman desires to obtain a decision by the umpire appointed under Part II. of the National Insurance Act, 1911 (in these Regulations referred to as the Act), of the question whether contributions under that part of the Act are payable in respect of that workman or of the class of workmen to which that workman belongs, or if the Board of Trade desire to obtain such a decision as respects any workman or any class of workmen, the workman or the employer, or the Board, as the case may be, may make an application for the purpose by sending or delivering to the umpire an application in the form set out in the Schedule to these Regulations.

(2) An application under these Regulations may be made on behalf of any workman or employer by any Association of Workmen or any Association of Employers of which he is a member, and may be made on behalf of the Board of Trade by any officer of the Board authorised by the Board in that behalf.

(3) An application may be made to the umpire at any time for the revision of any decision previously given by him on any application under these Regulations.

Any such application must be made by some person by whom the original application could have been made, and shall contain a statement of any new facts or other grounds on which the applicant claims that the decision ought to be revised.

2. If the umpire, on the consideration of any application under these Regulations, is of opinion that the application is frivolous or raises a question which does not admit of reasonable doubt, he shall give his decision on the application forthwith ; but if he is not so of opinion, he shall reserve his decision, and, subject as hereinafter provided, give public notice in the *Board of Trade Journal* and in such other manner as he thinks fit of the nature of the application and of the date, not being less than fourteen days after the date of the notice, on or after which he proposes to give his decision on the application :

Provided that where the only question raised in the application is whether any particular workman belongs to a class of workmen with respect to whom it has been decided, or with respect to whom, in the opinion of the umpire, there is no reasonable doubt, that contributions are payable, it shall be sufficient if, in lieu of

public notice, notice is given to the workman and his employer and the Board of Trade.

3. If before the date specified in the notice any representations with reference to the application are made in writing to the umpire by or on behalf of any workman or employer appearing to him to be interested or the Board of Trade, the umpire shall take those representations into his consideration, and the umpire may at any time before the said date require any persons to supply to him such information in writing as he thinks necessary for the purpose of enabling him to give a decision.

All such representations and information shall be open to inspection by any employer or workman appearing to the umpire to be interested or any persons authorised in that behalf by any such employer or workman or the Board of Trade.

4. Any persons claiming to be interested may apply to the umpire, to be heard by him orally, in reference to any application under these Regulations, and the umpire may, in any case in which he thinks it desirable, require the attendance of any person before him to give oral information on the subject of any application.

5. The umpire shall give notice of his decision to the applicant and to the Board of Trade, and the Board shall publish the decision in such manner as they think fit.

6. Subject to the provisions of these Regulations, the umpire may determine his own procedure.

7. Where any question is required to be referred to the umpire under Subsection (6) of Section 101 of the Act, the question shall be referred to the umpire by means of an application for the purpose made by the Court before whom the proceedings in which the question arises are pending, and in any such case the foregoing provisions of these Regulations shall apply as if the application were an application by a workman or an employer.

8. The umpire may, with the consent of the Board of Trade, appoint any person to act as deputy umpire in the case of the unavoidable absence of the umpire, and the Board of Trade may, in the case of the incapacity of the umpire, appoint any person to act as deputy umpire during the incapacity of the umpire.

9. (1) These Regulations may be cited as the Unemployment Insurance (Umpire) Regulations, 1912.

(2) These Regulations shall come into operation forthwith.

(3) As respects workmen employed by or under the Crown, these Regulations are subject to any Order in Council that may hereafter be made under Subsection (3) of Section 107 of the Act.

*Schedule***A.—FORM OF APPLICATION REFERRING TO A CLASS OF WORKMEN***National Insurance Act, 1911**(Unemployment Insurance)***APPLICATION TO UMPIRE FOR A DECISION WHETHER CONTRIBUTIONS  
ARE PAYABLE**

I, *A.B.*, [the employer of] a workman of the class specified in the annexed particulars, desire to obtain the decision of the umpire whether contributions under Part II. of the National Insurance Act, 1911, are payable in respect of that class of workmen.

*Particulars*

- (1) Trade designation . . . . .
- (2) Exact description of work performed by class. . . . .
- (3) District where occupation is carried on. . . . .
- (4) Whether in opinion of applicant the employment of the class of workmen is or is not employment in an insured trade, with reasons for the opinion. . . . .

Name of Applicant \_\_\_\_\_

Address of Applicant \_\_\_\_\_

*Note.*—If the application is made by any association of workmen or employers on behalf of the applicant, the fact must be stated.

**B.—APPLICATION REFERRING SOLELY TO AN INDIVIDUAL WORKMAN***National Insurance Act, 1911**(Unemployment Insurance)***APPLICATION TO UMPIRE FOR DECISION WHETHER CONTRIBUTIONS  
ARE PAYABLE**

I, *A.B.*, [the employer of] the workman specified in the annexed particulars, desire to obtain the decision of the umpire whether contributions under Part II. of the National Insurance Act, 1911, are payable in respect of [that workman] [myself].

*Particulars*

- (1) Name and address of workman. \_\_\_\_\_
- (2) Name and address of employer. \_\_\_\_\_
- (3) Occupation of workman with particulars sufficient to show that he is a workman within the meaning of Section 107 of the National Insurance Act, 1911. \_\_\_\_\_
- (4) Exact description of work performed. \_\_\_\_\_
- (5) Workman's position and condition of service. \_\_\_\_\_
- (6) Whether in opinion of applicant the employment is or is not employment in an insured trade, with reasons for the opinion. \_\_\_\_\_

Name of Applicant \_\_\_\_\_

*Note.*—If the application is made by any association of workmen or employers on behalf of the applicant, the fact must be stated.

*(d) REFUNDS TO EMPLOYERS*

*(1) National Insurance (Part II. Amendment) Act, 1914,  
Section 5*

As from the 14th day of July 1914, the following section shall be substituted for Section 94 of the principal Act :

- “(1) The Board of Trade shall, on the application of any employer made in the prescribed manner within two months after the termination of an insurance year, or after such longer period as the Board of Trade may prescribe, refund to such employer as soon as practicable out of the Unemployment Fund the sum of three shillings in respect of each workman in respect of whom he has paid not less than forty-five contributions during the insurance year :
- “(2) For the purpose of meeting any change in the insurance year, or for the purpose of making provision for any period which may elapse between the date upon which contributions commence to be payable under this part of this Act and the commencement of the next ensuing insurance year, the Board of Trade may, so far as necessary for the purpose, apply the pro-

visions of this section to any period less than an insurance year, subject to such proportionate reduction of the number of contributions required and of the sum to be refunded as they may direct, and this section shall take effect as regards any such period of less than an insurance year as so applied.

“(3) In calculating the number of contributions paid by an employer in respect of a workman for the purpose of this section—

- (a) Any contributions which may have been refunded to the employer in respect of the workman under Section 96 of the principal Act as originally enacted, or from which he may have been exempted under the provisions of this Act substituted for that section, shall be deemed to have been paid ;
- (b) Any contributions paid by the Crown in accordance with Section 98 of the principal Act in respect of a workman in training shall be deemed to have been paid by the employer by whom the workman was employed immediately before the training ;
- (c) Where the employer has made an arrangement with the Board of Trade under Section 99 of the principal Act, he shall, in respect of any contributions paid under the arrangement, be deemed to have paid that number of contributions which he would have been liable to pay if he had not made such an arrangement :

Provided that when the number of contributions paid by the employer would, but for this subsection, have been less than 45, the amount refunded under this section in respect of the workman shall be subject to such proportionate reduction as the Board may direct.”

(2) *The Unemployment Insurance (Refunds to Employers) Regulations, 1915*

1. These Regulations may be cited as the Unemployment Insurance (Refunds to Employers) Regulations, 1915, and shall come into force on the date hereof.

2. In these Regulations the expression “ the Act ” means the National Insurance Act, 1911, and the expression “ the amending Act ” means the National Insurance (Part II. Amendment) Act, 1914.

The expression “ application ” means an application for a refund in accordance with Section 94 of the Act, as amended by Section 5 of the Amending Act.

3. (1) Every application shall be in the form set out in the



First Schedule hereto or such other form as the Board may direct, accompanied by schedules (in duplicate) setting out in respect of each workman included in the application,

(a) The particulars mentioned in Part I. of the Second Schedule hereto, and also

(b) As regards each workman included in the application in respect of whom no refund would have been payable otherwise than by virtue of the last subsection of Section 5 of the Amending Act, the particulars mentioned in Part II. of the Second Schedule hereto, or so many of them as are applicable.

(2) The application shall be lodged at a local office of the Unemployment Fund, or posted to the "Assistant Secretary, Board of Trade, Labour Exchanges and Unemployment Insurance Department, Queen Anne's Chambers, Westminster, London, S.W.," within two months after the termination of the insurance year to which it relates.

4. The proportionate reduction in the refund to the employer, referred to in the last subsection of Section 5 of the Amending Act, shall be at the rate of 4d. for every 5 contributions, or part of 5 contributions, by which the number of contributions paid by the employer (otherwise than by virtue of the said subsection of Section 5) falls below 45.

5. (1) An employer who has made an application shall furnish to the Board such other information as the Board may require for enabling them to check the particulars given in the application, or for the purpose of verifying the actual number of contributions paid in respect of any workman, or workmen, included in the application.

(2) An employer, so far as may be necessary for these purposes, shall allow an officer of the Board, duly authorised on their behalf, to inspect any material books of account, vouchers, or other documents.

*Note.*—The Schedules to the Regulations are omitted as the following extracts from an Explanatory Memorandum issued by the Board of Trade give the necessary reference to the forms in use :—

*Extracts from Explanatory Memorandum*

*Method of Applying for Refunds*

2. Applications must be made within two months after the termination of the insurance year to which they relate.

3. Applications must be made in the prescribed manner, as set out in the Regulations. In order to ensure compliance with this requirement, employers should use the printed official forms which are as follows :

To be supplied in duplicate.	Form U.I. 208	(covering form of application to be used in all cases).
	Form U.I. 209	(schedule, giving particulars of workmen in respect of whom special allowances are not claimed towards making up minimum of 45 contributions, for use by all employers so far as such special allowances are not claimed; see paragraph 13).
	Form U.I. 210A	(schedule, giving particulars when special allowances under paragraph 13 are claimed, for use by employers not having Section 99 arrangements).
	Form U.I. 210B	(schedule, giving particulars when special allowances under paragraph 13 are claimed, for use by employers having Section 99 arrangements).

Particulars of the details required in the Schedules are set out in the Appendix to this memorandum.

5. Form U.I. 208 must be used in every case, and the appropriate schedules on Forms U.I. 209, U.I. 210A, or U.I. 210B must be included in duplicate. The forms, when completed, must be handed in at a local office of the Unemployment Fund, or posted to the "Assistant Secretary, Board of Trade, Labour Exchanges and Unemployment Insurance Department, Queen Anne's Chambers, Westminster, London, S.W." An official acknowledgment of the receipt of the application will be given.

6. No application can be entertained, on any ground whatsoever, unless made in the prescribed manner within the above time-limit.

#### *Production of Documents*

7. An employer who has made an application is required under the Regulations to furnish to the Board such other information as the Board may require for enabling them to check the particulars given in the application, or for the purpose of verifying the actual number of contributions paid in respect of any workman, or workmen, included in the application. The employer must also, so far as may be necessary for these purposes, allow an officer of the Board, duly authorised on their behalf, to inspect any material books of account, vouchers, or other documents.

#### *Conditions of Refund*

8. Subject to the making of an application in the prescribed manner and within the above time-limit, the only condition for a refund is that the employer should have paid not less than 45

contributions in respect of the workman during the insurance year. Apart from the special cases set out in paragraph 13, only the actual number of contributions paid by the employer on his own behalf during the insurance year can be taken into account. Contributions paid but subsequently refunded under Section 96 of the National Insurance Act, 1911, relating to systematic short time, can only be taken into account subject to a proportionate reduction in the refund (see paragraph 16).

9. The only period for which a refund can be obtained is the insurance year, which ends on the Saturday nearest to the 14th of July.

10. Special conditions as to the dates of stamping apply to employers who have an arrangement with the Board of Trade for stamping at extended intervals or for stamping during the week after payment of wages.

11. In order to have paid 45 contributions, the employer must have paid a total amount of not less than 45 times  $2\frac{1}{2}$ d., i.e. 9s. 4½d., on his own behalf, apart from the workman's share of the contributions. It is not necessary that all the stamps should be 5d. stamps; 4d. and 2d. stamps may be counted towards making up the required total, but in accordance with the Eighth Schedule to the National Insurance Act, 1911, will be calculated as  $\frac{4}{5}$  and  $\frac{2}{5}$  of a contribution respectively. (As regards stamps affixed under a Section 99 arrangement see also paragraph 13 (3).)

12. It will be seen from the foregoing explanation that in the case of workmen under 18 it will, in general, be impracticable for the employer to have paid a total of 45 contributions during the insurance year, since the weekly contribution in the case of a workman below the age of 18 (viz. 2d.) only counts in accordance with the Eighth Schedule to the National Insurance Act, 1911, as  $\frac{2}{5}$  of a contribution in reckoning the number of contributions for the purpose of Section 94. In fact, this condition cannot be satisfied in respect of a juvenile unless the workman reached the age of 18 not later than the beginning of October 1914. In the case of a workman who reached the age of 18 before that date, it is possible that a total of 45 contributions may have been paid.

### *Special Allowances*

13. The following special allowances, in addition to the contributions actually paid by the employer himself, and not refunded to him, may be claimed towards making up a total of 45 contributions; the amount of the refund is in such cases subject to a proportionate reduction (see paragraph 16):

(1) Any contributions paid by the employer during the insurance year and refunded to him under the provisions of Section

96 of the National Insurance Act, 1911, relating to systematic short time, may be included as if they had not been so refunded.

(2) Any contributions paid by the Crown under Section 98 of the National Insurance Act, 1911, during the insurance year in respect of a workman in training may be included in a claim by the employer by whom the workman was employed immediately before the training, as if they had been paid by that employer.

(3) An employer having an arrangement under Section 99 of the National Insurance Act, 1911, may include not merely the amount of the contributions actually paid by him on his own behalf, but the amount which would have been so paid if he had not had an arrangement; *e.g.* if only four or five days' work was done in a week, the employer would under the Section 99 arrangement pay  $\frac{4}{5}$  or  $\frac{5}{5}$  of a contribution respectively on his own behalf, but he may by virtue of the special allowance include in his claim a full contribution in respect of this week.

14. It should be noted that there is no occasion to take advantage of these allowances if the minimum number of 45 contributions can be made up otherwise.

### *Amount of Refund*

15. Except where it is necessary to take advantage of the special allowances set out in paragraph 13 in order to make up the minimum of 45 contributions, the amount of the refund is 3s. for each workman.

16. In each case when it is necessary to take advantage of the special allowances set out in paragraph 13, the amount of the refund is reduced by 4d. for every 5 contributions (or part of 5 contributions) by which the number of contributions actually paid by the employer on his own behalf during the insurance year falls short of 45. The amount in various cases will be as set out in the following Table :

Contributions paid apart from Special Allowances.						Amount of Refund.
Less than 45 contributions ( <i>i.e.</i> 9/4), but not less than 40 contributions ( <i>i.e.</i> 8/4 )						2/8
" 40	"	{ " 8/4 }	" 35	"	{ " 7/3½ }	2/4
" 35	"	{ " 7/3½ }	" 30	"	{ " 6/3 }	2/-
" 30	"	{ " 6/3 }	" 25	"	{ " 5/2½ }	1/8
" 25	"	{ " 5/2½ }	" 20	"	{ " 4/2 }	1/4
" 20	"	{ " 4/2 }	" 15	"	{ " 3/1½ }	1/-
" 15	"	{ " 3/1½ }	" 10	"	{ " 2/1 }	/8
" 10	"	{ " 2/1 }	" 5	"	{ " 1/0½ }	/4
" 5	"	{ " 1/0½ }				Nil

### *Appendix to Memorandum*

I.—Particulars to be given (on Form U.I. 209) in the case of each workman in respect of whom no special allowance in accordance with paragraph 13 is claimed towards making up the minimum of 45 contributions :

- (a) The workman's surname in full and the initials of his other names.
- (b) The number of the workman's unemployment book.
- (c) The letters on the workman's unemployment book indicating the Division to which it belongs.

II.—*Particulars to be given (on Form U.I. 210A by employers not having a Section 99 arrangement and on Form U.I. 210B by employers having a Section 99 arrangement) in the case of each workman in respect of whom a special allowance is claimed in accordance with paragraph 13 towards making up the minimum of 45 contributions :*

- (a) The workman's surname in full and the initials of his other names.
- (b) The number of the workman's unemployment book.
- (c) The letters on the workman's unemployment book indicating the Division to which it belongs.
- (d) The number and denomination of all unemployment insurance stamps (other than those affixed in accordance with an arrangement under Section 99 of the principal Act) affixed during the insurance year by the employer to the workman's unemployment book,

*and as many of the following as are applicable :*

- (e) The number and denomination of all unemployment insurance stamps affixed during the insurance year on behalf of the employer to the workman's unemployment book during the period (if any) for which an arrangement with the employer under Section 99 of the Act was in operation ; and the number and denomination of the unemployment insurance stamps which would have been affixed during that period by the employer to the workman's unemployment insurance book if the arrangement under Section 99 had not been made.
- (f) The period (if any) during which contributions were paid during the insurance year by the Crown in respect of the workman by virtue of Section 98 of the Act, and one-half the total value of such contributions.
- (g) One-half the total value of the contributions (if any) paid during the insurance year by the employer in respect of the workman and refunded to him under Section 96 of the Act.
- (h) The period in respect of which the employer and the workman were exempted from unemployment insurance contributions during the insurance year by virtue of Section 7 of the Amending Act, and one-half the total value of the stamps which would have been affixed to the workman's unemployment book by the employer in respect of that period if such exemption had not been granted.

(e) UNEMPLOYMENT INSURANCE (SHORT TIME)  
REGULATIONS, 1914

1. These Regulations may be cited as the Unemployment Insurance (Short Time) Regulations, 1914, and shall come into force on the date hereof.

2. In these Regulations, unless the context otherwise requires or admits :

The expression " certificate of exceptional unemployment " means a certificate issued by the Board of Trade that there is exceptional unemployment in the trade or branch of a trade specified in the certificate.

The expression " order of exemption " means an Order made by the Board of Trade under Section 7 of the National Insurance (Part II. Amendment) Act, 1914, exempting workmen of a specified class or description employed by a specified employer, and the employer, from contributions under Part II. of the National Insurance Act, 1911.

The expression " the Labour Exchange " means the Labour Exchange at which the unemployment books of the workmen to whom the Order of Exemption applies are deposited by the employer in accordance with these Regulations.

The expression " the reduced working hours " means the working hours as set out in the Order of Exemption or as varied in accordance with Regulation 9 of these Regulations.

3. (1) An Order of Exemption shall not be granted to an employer in any trade or branch of a trade unless a certificate of exceptional unemployment has been granted and remains in force in respect of such trade or branch of a trade.

(2) Any employer of workmen in an insured trade and any Association of such employers may make application to the Board of Trade for a certificate of exceptional unemployment. Such application shall be made in the form set forth in the First Schedule to these Regulations or in such other form as the Board may direct.

(3) A certificate of exceptional unemployment may be modified or cancelled at any time by the Board of Trade, but before modifying or cancelling a certificate the Board of Trade shall give notice in writing to the applicant, and shall take into consideration any representations made by the applicant within fourteen days or any longer period specified in the notice thereafter. Similar notice shall also be given to each employer in the trade or branch of a trade covered by the certificate in respect of whom an Order of Exemption is then in force.

(4) Notice of the issue, amendment, or cancellation of a certifi-

cate of exceptional unemployment shall be given by the Board of Trade in writing to the applicant, and shall be published by the Board of Trade in the *Board of Trade Journal* or in such other manner as the Board may think fit.

4. (1) Any employer of insured workmen who desires to obtain an Order of Exemption shall—

(i.) Make application for a certificate of exceptional unemployment in accordance with Regulation 3 of these Regulations, unless a certificate of exceptional unemployment has already been issued and remains in force in respect of the trade or branch of a trade concerned, and

(ii.) Make application to the Board of Trade for an Order of Exemption in the form set forth in the Second Schedule to these Regulations or in such other form as the Board may direct.

(2) The Board of Trade, if satisfied that an Order of Exemption should be granted whether in the form applied for or in some modified form, shall give notice in writing to the employer that such Order will be granted.

(3) (i.) The employer shall thereupon, within fourteen days after the receipt of the notice by him, deposit at a convenient Labour Exchange or Labour Exchanges, to be specified in the notice, the unemployment books of all the workmen to whom the Order of Exemption will apply. Before depositing the unemployment books the employer shall affix stamps representing the full number of contributions that would have been due if the employment of the workman had terminated at the date of deposit. The books deposited shall be accompanied by a list in duplicate of the names of the workmen and the numbers of their unemployment books.

(ii.) Where the employer has an arrangement with the Board of Trade under Section 99 of the National Insurance Act, 1911, he shall, in lieu of depositing the unemployment books, give notice to the Labour Exchange of the date from which he desires the Order of Exemption to commence, and stamps shall be affixed to the unemployment books as if the employment of the workmen had terminated at this date.

(4) As soon as the unemployment books have been deposited, or notice has been given to the Labour Exchange as aforesaid, the Board of Trade, if satisfied that the conditions of Section 7 of the Amending Act and of these Regulations continue to be fulfilled, shall issue the Order of Exemption, which shall be in the form set forth in the Third Schedule to these Regulations or in such other form as the Board may direct.

(5) As soon as an Order has been issued, contributions shall



cease to be payable in respect of the workmen to whom the Order will apply as from the date at which the unemployment books were deposited until the Order ceases to apply in accordance with the Regulations.

5. An Order of Exemption shall not be granted unless the Board of Trade are satisfied that the employer proposes to work systematic short time in accordance with the following conditions :

(i.) The reduction in working hours constituting the short time shall consist either (a) in a reduction of the weekly hours to a total not exceeding five-sixths of the number usually recognised as constituting a full week's work at that time in the trade or branch of a trade and district, or (b) in a stoppage of work for some day in the week which has been usually recognised as a working day of at least four hours at that time in the trade or branch of a trade and district, and in either case the working hours on any day of the week shall not exceed those usually worked on that day in the trade or branch of a trade and district.

(ii.) The method of reducing the working hours shall not be such that the workman may obtain unemployment benefit whilst working short time.

(iii.) The precise hours within which the reduced working hours will be confined on each day shall be stated in the application for the Order of Exemption.

(iv.) The systematic short time shall apply to all the insured workmen employed by the employer at or in connection with the establishment to which the application for the Order of Exemption relates, or, when the Board of Trade are satisfied that different departments may be treated separately, at or in connection with a department or departments in such establishment, other than such workmen as the Board of Trade may consider to be engaged in purely subsidiary occupations.

6. The employer shall affix, and shall, whilst the Order of Exemption remains in force, keep constantly affixed in such a place and position that they may be easily read by the workmen to whom the Order of Exemption applies, a copy of the Order of Exemption and of any notices given to the Labour Exchange in accordance with Regulation 9.

7. (1) So long as any unemployment book remains deposited at the Labour Exchange in accordance with these Regulations, the employer, notwithstanding anything in the Unemployment Insurance Regulations, 1912, or any other Regulations made under Part II. of the National Insurance Act, 1911, shall not be liable for its custody.

(2) The Labour Exchange shall issue a receipt card to the



employer in respect of each unemployment book deposited by him in accordance with these Regulations.

(3) The employer, on obtaining the receipt card, shall become responsible for the custody of the receipt card so long as the employment of the workman continues, or till the receipt card is returned by the employer to the Labour Exchange in exchange for the unemployment book.

(4) The employer shall return the receipt card to the Labour Exchange before the unemployment book is returned to him by the Labour Exchange in accordance with these Regulations.

(5) If the employment of the workman terminates whilst the unemployment book is deposited at the Labour Exchange, in accordance with these Regulations, the provisions of Regulation 5 of the Unemployment Insurance Regulations, 1912, with regard to the return of the Unemployment book to the workman and the giving of a receipt therefor by the workman shall apply as if the receipt card were an unemployment book.

8. Where an Order of Exemption has been granted, the method of short time working, as set out in the application for the Order, shall not be varied, except within the limits and subject to the conditions set out in Regulations 9 to 12 of these Regulations.

9. The reduced working hours may be varied within the limits prescribed by Regulation 5, either in respect of the whole establishment or in respect of the particular department or departments, provided that at least 12 hours' notice in writing of the proposed variation is given beforehand to the Labour Exchange, and the working hours as thus varied shall thereupon be substituted for the reduced working hours set out in the Order of Exemption. The notice shall give details of the working hours as varied in the form set out in the Order of Exemption, and shall, if necessary, specify the department or departments to which the varied working hours are to apply.

10. (1) For the purpose of completing an urgent order or orders or other work which cannot be delayed without prejudice to the continuance of workmen in their employment and subject to the provisions of this Regulation, any workmen to whom the Order of Exemption applies may be employed otherwise than within the reduced working hours, providing that—

(a) Immediate notice in writing of the intention so to employ the workmen is given by the employer to the Labour Exchange ;

(b) The employer furnishes the Board with any information required by them to satisfy themselves as to the circumstances in which the reduced working hours were exceeded.

(2) The notice under this Regulation shall, unless it is not practicable to do so, be despatched before the workmen are so employed, and shall state the reason why it is necessary to exceed the reduced working hours. It shall be accompanied by a list of the names and numbers of the unemployment books of the workmen in whose case the reduced hours are to be, or have been, exceeded, and by the receipt cards for their unemployment books. The Labour Exchange shall thereupon immediately return the unemployment books to the employer for payment of contributions.

(3) After the unemployment book of any workman is so returned to the employer, it may be subsequently redeposited by the employer at the Labour Exchange on any day on which the reduced working hours are not exceeded by the workman.

(4) In the case of each workman in respect of whom notice is given under this Regulation, contributions under Part II. of the National Insurance Act, 1911, shall be payable as if the Order of Exemption did not apply to his employment from and including the day during which the reduced working hours are first exceeded until his unemployment book is redeposited at the Labour Exchange in accordance with this Regulation.

(5) Where the employer has an arrangement with the Board of Trade under Section 99 of the National Insurance Act, 1911, the unemployment book of the workman shall not be returned to him under this Regulation. Contributions in respect of the workman shall be payable in accordance with the arrangement as if the Order of Exemption did not apply in respect of each day during which the reduced working hours are exceeded, and the employer shall supply the Labour Exchange with the necessary particulars to enable the unemployment book to be stamped accordingly.

11. If the employment of any workman to whom the Order relates is terminated, notice must be given to the Labour Exchange within 24 hours thereafter.

12. If additional workmen of the classes described in the Order of Exemption are engaged (whether in substitution for workmen whose employment has terminated or otherwise), notice must be given to the Labour Exchange within 24 hours thereafter, together with a list of the names and the numbers of the unemployment books of the workmen, and thereupon, unless the Board of Trade otherwise direct, the Order of Exemption shall apply to such workmen as from the date of their engagement. The unemployment books of such workmen shall be deposited by the employer at the Labour Exchange as soon as practicable after the date of their engagement.

13. In any case where the provisions of Regulations 8 to 12 have not been complied with, the method of working shall not be regarded as systematic short time except as regards such period and such workmen (if any) with respect to which or whom the Board of Trade certify that systematic short time has been worked, and the employer and workmen shall, except as regards the period and workmen covered by such certificate, be liable to the payment of contributions under Part II. of the National Insurance Act, 1911, as if the Order of Exemption had not been made.

14. (1) An Order of Exemption may be cancelled by the Board of Trade in any of the following circumstances :

- (i.) If the employer gives notice to the Labour Exchange that the short time working will be discontinued after a specified date.
- (ii.) If the certificate of exceptional unemployment relating to the trade or branch of a trade has been modified or cancelled.
- (iii.) If in the opinion of the Board the circumstances are such that the exemption from payment of Unemployment insurance contributions is no longer justified.

(2) An Order of Exemption shall not continue in force for a longer period than twelve months, and, unless the Board of Trade for special reasons otherwise determine, a further Order relating to the same class or description of workmen employed at the same establishment shall not be issued before the expiration of six months after the date at which the previous Order ceased to have effect.

(3) Upon the cancellation or expiration of an Order of Exemption, the unemployment books remaining deposited shall be immediately returned to the employer, or, in the case of a workman whose employment has then terminated, to the workman, provided that in the case of an employer having an arrangement under Section 99 of the National Insurance Act, 1911, the books not returned to the workmen shall be retained in the custody of the Board of Trade.

15. (1) An employer who has made an application for an Order of Exemption, or to whom an Order of Exemption has been granted, shall furnish to the Board such information as the Board may require for the purpose of enabling them to deal with the application, or for the purpose of verifying the actual hours of work during the currency of an Order.

(2) An employer, so far as may be necessary for these purposes, shall allow an Officer of the Board, duly authorised on their behalf, to enter the place of employment at any reasonable time

and inspect any material books of account, wages sheets or books, and time sheets or books.

*Note.*—The Schedules are omitted as the form set out in the First Schedule (application for a certificate of exceptional unemployment) is Form U.I. 358, and the form set out in the Second Schedule (application for an Order of Exemption) is Form U.I. 356, and these forms can be obtained at any Labour Exchange.

# INDEX

The following abbreviations are used. C.M. = Coal Mines; Compn. = Compensation; E. & W. = Employers and Workmen; E.L. = Employers' Liability; Emplt. = Employment; F. & W. = Factory and Workshop; M.M. = Metalliferous Mines; Minm. = Minimum; N.H.I. = National Health Insurance; T.B. = Trade Board; T.U. = Trade Union; U.I. = Unemployment Insurance; W. Compn. = Workmen's Compensation. After the titles of manufactured articles (e.g. anchors, chocolates) the words 'making of' or 'manufacture of' may generally be understood.

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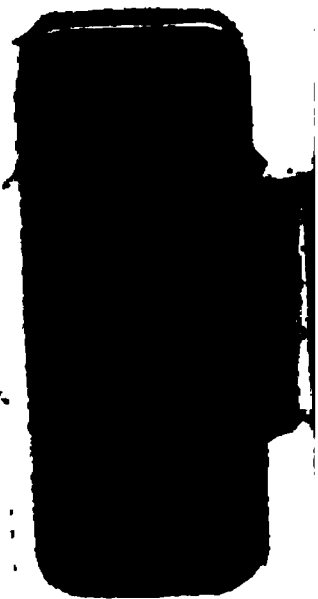
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